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Legislative Assembly of Ontario

First Intercession, 35th Parliament

Official Report of Debates (Hansard)

Monday 20 January 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

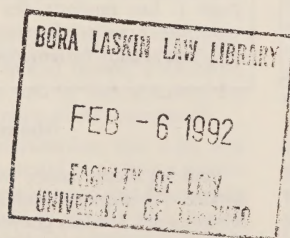
Première intercession, 35^e législature

Journal des débats (Hansard)

Le lundi 20 janvier 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
Clerk: Lynn Mellor

Présidente : Elinor Caplan
Greffière : Lynn Mellor



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday 20 January 1992

The committee met at 1401 in committee room 1.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

MINISTRY OF THE ENVIRONMENT OFFICE FOR THE GREATER TORONTO AREA

The Chair: The standing committee on social development is now in session. I see we have a quorum. I would like to welcome everyone, including the minister, Mrs Grier. The agenda for today is a presentation by the minister and the ministry. They have the whole afternoon.

As we begin these hearings, I would like to make everyone aware of the rules of procedure agreed to by the steering committee, so that we are all clear on how the Chair will be dealing with the rules. The decision was made that whatever time remains for questions following witnesses or deputations or presentations will be divided equally between the three caucuses. Unless there is a request from a specific caucus to use its block of time in total, the questions will rotate between the caucuses and I will maintain the time so that it will be equal and fair as we rotate between the caucuses.

If there are questions of the minister or the ministry, they will be considered part of the time of each caucus. It is important for all members to note that because of that last point, if you have a question you can place it on the record and the ministry can respond in writing at a later time so that you do not use up all your allotted questioning time for questions of the ministry.

Are there any other points regarding the rules that anyone would like to make?

Mr Cousens: What are the plans for this afternoon, Madam Chairman? With the minister making a statement, will there be any time at the end of that statement for comments or questions by members of the committee?

The Chair: It is my understanding that what was agreed to was that the minister would be making a presentation of between 20 and 30 minutes and that the remaining time of the first hour would be divided between the caucuses for statements or questions, whatever you wish. That time will be yours to use as you see fit. When the ministry staff have completed their presentation in the remains two hours, whatever time is again remaining will be divided equally among the caucuses for questions.

It is my view that while those are times for questions, since it is the caucus time, should you choose to speak

instead of ask a question, certainly it will be your right to use your time in that way. Hopefully you will use it for the purpose of questions, but I will not rule against you if you have a long question without an interrogative. You know what I mean.

I will, however, remind all members that you cannot pose questions of other members at the committee. You can pose questions either of deputants, witnesses, presenters or of the ministry, the minister or the parliamentary assistant at any time. You can put your questions and ask that they be responded to in writing, as I said before. Similarly, it was discussed by the subcommittee and agreed that any points of order could be tabled and would be dealt with at the end of the hearing time, since it was the view of the steering committee that these meetings should be used to allow maximum time for presenters and maximum time for questioning.

It is my intention to hold firmly to those rules and to try to remain on time. There was one point: If a caucus member goes over time in one way or another, that time will be deducted from the time of the next presentation, so there is no advantage to a caucus to rag the puck or use up the time inappropriately when dealing with one presenter, because it will be deducted from the next presentation. Is that clear? All agreed?

In that case, I welcome everyone to the standing committee on social development. I am hoping that these hearings will be a productive use of everyone's time. I would like to welcome the minister, Mrs Grier, and ask her to begin her presentation now.

Hon Mrs Grier: I am pleased to be here to begin the committee's deliberations on Bill 143, the Waste Management Act. Never before has Ontario or any other province sponsored such extensive and important public debate and public hearings on waste management.

What I would like to do this afternoon is briefly outline the background of this legislation, the situation I found when I inherited responsibility as Minister of the Environment and minister responsible for the greater Toronto area, and the major factors influencing our government's waste management policies and directions.

On a province-wide basis, I found that Ontario had become the world leader in wastefulness, generating as much as 1.1 tonnes of garbage per person per year. The emphasis among the many participants in waste management was still on disposal rather than reduction. There had been some good initiatives with respect to recycling. The blue box had become an important instrument for public action on recycling. Waste management planning was in disarray. The time and resources required to find landfill sites was excessive. Finally, we were running out of landfill capacity, particularly in the GTA, leading to the need for emergency planning.

Our government initiated a comprehensive waste management strategy with three major components: an aggressive waste reduction program, improvements to waste management planning and policies, and procedures for handling short-term waste problems on an environmentally sound basis.

The principles of this approach were threefold: put the environment first, promote or conserve our society, and prevent pollution.

Within the GTA, the problems have been especially acute. The greater Toronto area is home to 40% of Ontario's population and it has been producing close to half our total garbage. Landfill capacity in the GTA has become very limited, especially in Peel, where the Britannia Road landfill site is due to close by the middle of this year.

The GTA's Solid Waste Interim Steering Committee, or SWISC as it was known, attempted to develop a coordinated approach to a solution across the GTA, but it was moving slowly and its specific plan was one this government could not support. That proposed solution was to meet the impending waste crisis with two new interim landfill sites in Brampton and Whitevale. These sites were granted exemptions under the Environmental Assessment Act. Our party in opposition had clearly stated that this was not acceptable.

On becoming minister, GTA wastes and the need for provincial waste reduction were the first issues I addressed. I decided to deal with the GTA situation with a comprehensive plan including three components: first, implement effective waste reduction; second, establish a process to find long-term landfill sites as quickly as possible, with an environmental assessment, and third, find the most environmentally sound way to deal with any short-term need for landfill capacity. Bill 143 is the foundation of that plan.

Part IV of the bill, which provides authority for the waste reduction program on a province-wide basis, will allow us to proceed with measures that will require 3Rs initiatives—waste reduction, reuse and recycling—in all sectors. It also lays the groundwork for actively discouraging those who would pass the buck for their wastes, environmentally or economically, either to other members of the community or to other communities.

In addition, it makes a good start on improving the procedures for establishing and developing effective 3Rs facilities, such as composting sites, and ensuring environmentally sound disposal of waste residues.

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With respect to the search for long-term sites, GTA-specific sections of the legislation confirm the Interim Waste Authority is a crown agency and give it the additional powers required to establish three long-term landfill sites to serve the greater Toronto area. These include authority to conduct essential site investigations in a way that minimizes intrusion into individual privacy and a considerate approach to any expropriation that will be required.

The bill establishes the environmental assessment for the three sites that will be required for long-term disposal of GTA residual wastes. It rules out waste incineration and transport of waste to communities beyond the GTA, in

accordance with environmental policy decisions I announced last April. Instead, the assessments will focus on the environmentally positive options available from waste reduction, reuse and recycling, with environmentally secure landfill for residual waste remaining after effective 3Rs programs have reduced waste to a minimum.

The bill also allows funding for public participation in the early stages of environmental assessment, as well as intervention at later stages such as formal hearings. This is a pioneering approach to consultation which provides a broader range of public interests with the resources they need to identify and represent their concerns and to contribute their most valuable ideas.

In the past, as part of the SWISC program, a great deal of consideration was given to the idea of looking for landfill sites in a so-called willing host community. This approach has many problems.

To begin with, initially willing host communities may not continue to be willing hosts or to accept garbage from others as the impact of these wastes becomes evident. There are still people who clamour for the option of transporting GTA waste to a mine site near Kirkland Lake. This is nothing but a throwback to the days of out-of-sight, out-of-mind garbage dumping. It completely contradicts everything we are trying to achieve in waste reduction. There is little incentive to reduce when there is a far-off place to send garbage. Shipping garbage to someone else's community runs counter to all the principles of a conserver society.

Incinerators are ruled out not only because their voracious appetite for waste is inconsistent with the 3Rs, but also because of the environmental hazards they present. GTA communities will neither bear the exorbitant cost of attempting to develop garbage incinerators nor face the environmental and public health risks from air pollution and the concentrated contaminants in the residual ashes that remain after burning. I am convinced that incineration of municipal waste is a deeply flawed approach to waste treatment, one which threatens our environment and our health, does not make economic sense and has no place in a sound waste management strategy.

Addressing short-term needs, the legislation provides authority to proceed as required with contingency disposal measures to fill any gap between the time current GTA landfills are full and the opening of the new long-term landfill sites. This is consistent with the strategy I announced in the Legislature last June, ruling out the interim use of new unproven sites on unbroken ground. We have provided for effective contingencies in the event the GTA runs out of landfill capacity before new sites are ready to open, so that GTA residents do not face the prospect of no place to dispose of waste.

As I said in introducing this bill for second reading, remaining disposal capacities at the Keele Valley and Brock West landfill sites now appear to be greater than we expected some months ago. A longer life for existing sites could affect the need for one or more transfer stations in Durham region and the need for extending the life of the Keele Valley landfill site.

All the information now available, however, still indicates the need for extended capacity at the Britannia Road landfill site in Peele region starting this year. I hope there will be a minimum need for extended capacity, but if we do not prepare these contingency measures, we are gambling not only with the environment but also with the economy of the GTA.

I know these contingency measures are strongly opposed in the surrounding communities, but given the options available, we have no better way available to solve the problem. Groups and individuals who oppose these interim disposal measures will be taking part in this committee's deliberations and their concerns will be taken into full account. I hope there will be continued involvement and participation from these groups and individuals as the regions proceed to implement their plans.

There will be extensive environmental studies of the best ways to proceed with the implementation of any extended capacity and to ensure continued environmental protection. In addition, any extension of site operation will continue to be monitored thoroughly. The legislation also provides for the establishment of public liaison committees for each site which can represent the concerns of the community and act as a continuing monitor and watchdog on the development of the lifts and the operation of the sites. I will welcome any suggestions we may hear to help this liaison process function more effectively in protecting the environment.

There has been and will continue to be a great deal of consultation with the regions as we work out the best ways to deal with this situation. Let me assure this committee I am open to recommendations for specific improvements to enable the legislation to reach the government's objectives more effectively.

With respect to the question of hearings regarding the extension of capacity at the Britannia Road and Keele Valley landfill sites, let me clarify our position. Unfortunately, the fact that the Britannia Road landfill site reaches capacity next June makes a hearing on the extension there impossible. The legislation does not preclude a hearing for the Keele Valley extension, and if there is time, there will be a hearing. There are, however, a number of variables influencing how much time we have.

Mr Cousens: That is shocking.

The Chair: Order. I am sorry, Mr Cousens. You are not permitted to interrupt. That time will be deducted from your presentation.

Mr Cousens: Well, that is only two seconds.

Hon Mrs Grier: The remaining capacity at Keele Valley now appears to be greater than anticipated. Unfortunately, this is due in part to the current recession, and I am sure none of us would like to predict on the basis of the economic downturn continuing. At the same time, our aggressive waste reduction program will, I hope, limit waste volume.

Still another variable is the waste currently leaving the province. I have recently been asked in meetings with officials from New York state and Indiana for assurances that Ontario will deal with its own garbage. They do not want

to continue to receive it. Furthermore, shipping garbage to somebody else's community runs counter to all the principles of a conservator society.

We have reviewed our time lines carefully. It will take until September 1993 to complete the studies and prepare and submit an application to extend the life of Keele Valley. It will take until early 1994 to prepare for a hearing and until mid-1995 or later to complete the hearing, get a board decision and provide for appeals. It would then be possible for the ministry to issue the required approvals by late 1995. Construction and site preparation could take up to 12 months beyond that time, or to late 1996. Based on experience, I must add that events could extend the hearings and appeal process an additional year or more, delaying the start of the landfill extension until late 1997. As another variable, if the capacity of Britannia Road is not expanded and Peel's waste goes to Keele Valley, that would use up nine months of remaining capacity at that landfill site.

We will continue to monitor the situation closely. As everyone knows, I have a strong commitment to full participatory processes, and if there is time, there will be a hearing. My concern has been not to misrepresent the situation and to be clear about the emergency powers I can and may have to use, if necessary, to protect public safety.

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When it comes to waste management across Ontario, what I have heard from all quarters has been that clear provincial leadership and direction are required. This legislation provides that leadership and direction in a comprehensive way, placing the emphasis on waste reduction and providing for safe disposal that will protect the environment and benefit the economy.

None of the waste reduction initiatives in this bill come as a surprise. They are all based on a public dialogue which has been under way for more than a year. Some had their roots in consultation on waste management that was initiated by the previous government.

In October 1990, I set out this government's waste reduction objectives: to reduce the amount of waste going to disposal by at least 25% in 1992 and 50% by the year 2000. A month later, in the Legislature, I began discussions on a conservator action plan which emphasized waste reduction as the first of the 3Rs. I also announced our intention to form a public sector agency to find landfill sites in the GTA and outlined our intentions for dealing with the GTA waste crisis.

In February 1991, I announced the waste reduction action plan, detailed many of our proposed initiatives and established the waste reduction office to begin consultation and coordinate the development of the policies and regulations required to implement this action plan. For more than a year, we have proceeded publicly and openly to develop a comprehensive program of waste reduction and waste management reform. Today we begin a series of public hearings on legislation which provides a framework to support implementation of part of this program.

Many groups and individuals have already made their views known regarding specific sections of the bill. My staff has been analysing suggested amendments as to

whether they would clarify and improve the legislation. We have discussed various elements of the legislation with the Association of Municipalities of Ontario and other interested parties that have requested some amendments. In response to these requests, we agree that section 19 on injurious affection should be deleted because of the concern regarding the precedent it sets. We recognize that there are existing protections for land owners. In addition, we agreed to amend section 26 of the bill to leave the minister responsible for requiring a municipality to take certain action on waste, instead of delegating that authority to a director. We will also remove the proposed emergency power in section 26 to order municipalities to assess waste management needs and prepare plans.

Because of municipalities' concerns about its long-term implications and our commitment to local responsibility, we are proposing a five-year maximum limit on any provincial order requiring a municipality to accept waste from outside its boundaries.

We are continuing to discuss other concerns raised by municipalities and others in relation to the powers of regulation provided under section 33 of the bill. Given the current fiscal situation and the focus on disentanglement of provincial and municipal powers, these discussions are critical. It is not our intention to remove municipal responsibilities, but rather to enhance them within a province-wide framework for sound waste management. With respect to the financial options, our objectives are to ensure that everyone understands the full costs related to wastes and that the costs and incentives contribute to, not undermine, our waste management goals.

The dialogue is continuing on what form other regulations will take and we are proceeding in a consultative way to develop implementation strategies. The bill's effectiveness depends on the regulations, policies and programs developed pursuant to the legislation. The Ministry of the Environment will encourage broad participation by all concerned in deciding the initiatives to be implemented and when and how they will go into effect.

We have had significant input in response to our October 1991 waste reduction paper. The concerns and comments we have received will help in developing the final form of the waste reduction regulations. There will be more initiatives papers on other issues to encourage comment in the development of future regulations.

We also intend to involve concerned people representing a wide range of interests at the front end of policy development. Currently we have four such teams with representatives from environmental, municipal, private sector and other organizations to work on Ontario's waste reduction strategy, with three more proposed. Never before has this ministry enlisted public participation on this scale.

I am increasingly confident that we will be able to meet the government's waste reduction objectives. Waste reduction efforts are already easing pressures on landfill capacity in communities across the province, and as we move towards these targets, we will see a substantial reduction in the pace at which garbage is landfilled.

Our continuing 3Rs efforts will encourage more recycling in more homes in more communities, and we

can expect improved markets for recovered materials. We will have more composting of leaf and yard material at home and in municipal facilities. We will have more consistency of 3Rs programs across the province so that more people will share the benefits now enjoyed by those who live in communities that are already very waste conscious.

In addition, the bill provides a strong base for Ontario initiatives on packaging to provide provincial leadership in implementing the national packaging protocol, which calls for a voluntary 50% reduction in packaging wastes by the year 2000. The waste audit-waste reduction measures, which the bill will regulate for industries, commerce and institutions and for major users of packaging, will not only reduce substantially the generation of garbage but also lead to economic benefits.

A growing number of companies and institutions are already putting waste reduction into effect in their operations and production. They are demonstrating the benefits of saving material and energy and any costs have usually been more than offset by increased efficiency. Their competitive position has improved significantly.

For example, Bell Canada in Etobicoke has implemented a Zero Waste program. In an office of 1,000 people, which last year produced 1,800 pounds of garbage a day, they expect by July to cut total daily waste to five pounds.

Jon Grant, who is vice-chair of the Ontario Round Table on Environment and Economy as well as being the president of Quaker Oats, reports the company has reduced waste flow by 80%, leading to substantial cash savings. Jon draws a very strong line linking conservation to efficiency, productivity and increased competitiveness.

While shopping, individuals have shown their preference for environmentally responsible products, such as low-waste containers, reusable shopping bags and newspapers with recycled fibres. The stores themselves are starting to demand efficiencies in wholesale delivery, such as reusable pallets and shipping containers. Some now insist their suppliers take back containers.

There is growing interest and great potential in new industries and technologies rooted in the 3Rs. Last December, for example, Recovery Technologies Inc, an Ontario company, unveiled a new plan for recovering material from waste tires at an unprecedented level of efficiency. The operation they have developed has now been shipped to Italy, the first of many overseas sales they expect for their technology.

All of these developments certainly can be regarded as both economic and environmental advances—win-win situations—and this legislation strengthens our hand in encouraging these positive developments.

The intent of this legislation, and the regulations, policies and programs that flow from it, is to place Ontario well along the road to a conserving society. Last June I set out some of the key principles essential to turn a consumer society into one that conserves. These include local responsibility, true cost accounting, product stewardship, conservation and public involvement. This legislation reflects all these principles.

Local responsibility means, among other things, assuming full charge of wastes in the communities where they

are generated and dealing with them effectively in the community. This is an important element of our GTA waste strategy.

As responsible individuals, we have to reduce the materials we use and waste, reuse them and make them last longer, and finally recycle as much as possible back into productive use. If some of these materials are going to harm our environment, then common sense tells us we should either stop producing them or start reusing them in the system so that they do not become a disposal problem. All the people in Ontario who now take advantage of the recycling facilities offered in their communities have taken a giant step towards personal accountability.

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True cost accounting debunks the myth of cheap waste disposal by taking into account the costs involved in wasting energy and resources and in the environmental damage that results from excess consumption and careless disposal.

Product stewardship is the responsibility principle extended to industry and commerce. The initiatives paper on waste reduction, Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1, which I released last October included proposed regulations, to be based on this bill, which will require waste audits and waste reduction action plans for major operations in the industrial, commercial and institutional sectors and for major users of packaging. This is a consistent and fair approach to guide industry, commerce and institutions in reducing the wastes they generate and impose on society at large. It shifts the emphasis in the 3Rs from recycling to reduction. The challenge is to prevent material resources from ever reaching the point where they become wastes.

Conservation is inherent in all aspects of the waste reduction measures to be authorized by this legislation. It is as simple as using the same bag over and over for shopping or as complex as a complete overhaul of a production system to use less material and energy in delivering more durable goods.

Public consultation is an essential element in making the regulations, policies and programs to be developed under this legislation both effective and fair. We intend to rely on wholehearted public participation in implementing our waste reduction strategy. Listening to the public will improve the quality of decisions and ensure that they serve our environmental needs effectively and well.

In summary, today I have reviewed the components of the bill, the process of consultation that brought us to this point, the benefits it is designed to achieve and the essential principles on which it is based. Now I look forward to the comments and contributions this committee will receive during these public hearings and I welcome the people who will be joining us. They are all doing their part to ensure that this legislation is challenged, tested and improved in the best interests of the environment and the people of this province.

Anyone who can offer sound, constructive ideas that improve the legislation so that it meets Ontario's environmental needs more effectively or in a more timely way can be assured those ideas will be welcomed and acted upon. If the legislation can be improved, I want to know how you

would do it. If there are effective new directions and initiatives worth pursuing, I want to hear about them. If you can offer better ways in which we can work together to achieve our goals, I need to know them.

We in Ontario have come to a crossroads in how we manage our waste. Our choice is simple. We can continue in the direction that has made us the world's leading generators of waste or we can move in a new direction, towards a conserver society. I believe there is only one road to take. We must drastically reduce the amount of garbage we produce and we must transform the way we manage wastes. This means rejecting the quick-fix solutions that prove in the long run to be environmentally costly and economically unsound. It means giving up our out-of-sight, out-of-mind approach to garbage. Finally, it means accepting full responsibility in our homes, our workplaces, our institutions and our communities for the materials and products we use and what becomes of them.

One of the government's responsibilities is to provide the legal mechanisms necessary to bring about these changes. This is why the Waste Management Act is so important. It will enable us to establish the new rules of the road for a conserver society.

The Chair: Thank you very much for your opening comments. I would like to suggest that we have 10 minutes available for each of the caucuses, if that is agreed. Mr Cousens will begin.

Mr Cousens: I am really concerned with what the minister has said this afternoon. I believe she has created one of the most insensitive pieces of legislation that we in this sitting of the Legislature have yet had to look at. It is politically insensitive to the rights of people in all the municipalities affected by this because it puts away and puts aside the Municipal Act, the Planning Act, the conservation acts and the municipalities acts. All the history that has been built up in Ontario over the years that has given us some basis of law will now be pre-empted by Bill 143. I believe this is a tremendous step backwards which removes rights and privileges that have been enshrined in legislation for as long as we have tried to build a strong province.

This legislation is insensitive to the consultation process. This minister tabled the legislation on 24 October and wanted to have it passed by 19 December. Had it not been for the combined efforts of the Liberals and ourselves in the House, there would not be these public hearings. The fact of the matter is these hearings hopefully will cause people to think and hear and understand what you are really doing as a minister and a ministry. There is the news on page 6 of your statement where you say, "The legislation does not preclude a hearing for the Keele Valley extension, and if there is time, there will be a hearing." What a statement that is to say that you are insensitive to what the community wants to say. They may not even have a hearing is what you are saying, and yet you will be proceeding with an expansion of that site.

I believe you are insensitive as well to the Ontario public. As a ministry and within the greater Toronto area, you still have not released the potential landfill sites. These were to have been tabled at the end of November. We are

now into the middle of January, and the people who would be concerned by the landfill sites that might be selected will not know where they are until after this legislation has reached another stage. Their opportunity to participate in these debates, in these hearings—no, they are not debates; it is a one-sided statement that takes place. It is really another repressive step for all those peoples. Why have those sites not been tabled now? I thought when you were making your statement today there might be some way in which you would be serving the people of Ontario by indicating where those potential landfill sites would be, and you still have not made that public.

I believe you are insensitive to the environment. For one who has all the words, the fact of the matter is I do not see a long-term solution coming from your actions. The fact is that the crisis that is being created by the way in which you are implementing this bill and bringing forward your ideas shows a tremendous long-term insensitivity to environmental matters.

I believe you are also insensitive to business, insensitive to the extent that we now have new guidelines for waste and packaging. I have to believe there could have been some gain, an awful lot of gain, had your ministry sat down and had further consultations with industry prior to the tabling of your bill on 24 October. Now they will have a quick, catch-up program to try to make their points.

Your statement today does not provide answers to why you cannot ship garbage out of Metropolitan Toronto. You have not given the answers on why a scientific assessment cannot be given to other options that could be looked at for ways of getting rid of waste. You have not really given an answer to how we will solve the problem with the increased amount of waste that we are going to have to deal with when the US closes its doors or starts taxing it at the border. One of the reasons we have such a reduction at Keele Valley is that so much is going south right now.

You have not given us any answers on why you will not have a full environmental assessment process on Britannia or Keele or other sites. It boils down to the fact that you and your leader have broken the promise. When you were running for the election of September 6, 1990, you promised there would be a full environmental assessment. You promised there would be a full environmental assessment of Keele Valley or Britannia if anything was to be done to them. You are now saying today there may not even be hearings for those sites.

The power that is going into the hands of the Ministry of the Environment through this bill is one of the most terrible removals of democratic rights for the people of Ontario I have ever seen. I find the action that is being taken by this minister and by her ministry totally unacceptable.

As we look now, I see the inconsistencies that come through in your statement today. On the one hand you are saying you cannot ship garbage out of the greater Toronto area, yet on the other hand you are saying you will have a five-year maximum, a limit on any provincial order requiring a municipality to accept waste from outside its borders.

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This is precedent-setting legislation. It sets a precedent for government intrusion into the lives of everyone in Ontario

and in particular into the lives of those who are in the greater Toronto area. I find the legislation totally disrespects the history that has helped build this province to where it is today. There are other approaches to solving the environmental crisis that we have in Ontario. Indeed, if we were to look at the whole environmental assessment process, there are ways in which you could subject your view of incineration or shipping of waste to an environmental assessment process rather than come along and have principles that you have put up and for which there is no way in which we, as a public, are able to see you review or retract.

I have great fears that what will happen in the process and the development of Ontario's history now, having made this legislation what it is today, will set a precedent for legislation that your ministry may well begin to use to solve other problems in other parts of the province regarding landfill.

I go back to the day when Mr Rae was the Leader of the Opposition and was just spitting distance from Keele Valley. He said, "Yes, we'll have a full environmental assessment before anything is done on this." If a government can get elected based on lies or a misrepresentation of what it is doing, then I have to say that government is not worthy of representing the people of Ontario. Having made those points when you were trying to get elected, what, then, are you doing now, after you are elected?

The Chair: Mr Cousins, I must ask that you withdraw the word "lies." That is unparliamentary.

Mr Cousins: What do you call them, Madam Chairwoman?

The Chair: It is unacceptable to use that language in committee. I ask that you withdraw.

Mr Cousins: I would like to know what you would call what Mr Rae said when he was there, when he said there would be an environmental assessment and now he is taking that away. Would I say he did not know any better?

The Chair: Will you withdraw the word "lies"?

Mr Cousins: I would withdraw it and say Mr Rae possibly changed his mind once he won the election.

I just worry when you start seeing the power—

The Chair: You have one minute, Mr Cousins.

Mr Cousins: I have one minute. I thank you, Madam Chairman. One minute will hardly be enough for one to make all the points one has to make, but I can assure you that the people of Ontario need to understand where it is the Ministry of the Environment wants to take us. They are taking us down the wrong road very quickly and it leads to a cliff from which there is no easy recovery.

There are other ways of solving the environmental crisis Ontario has today and they include a review of the whole environmental assessment process. If you, Madam Minister, were to allow your views to be subjected to an environmental assessment process, we might then begin to see some other options open up rather than for you to have closed off those avenues for discussion.

Mr McClelland: Minister, thank you for your opening comments today. I appreciate your taking time to be

here. I want to say at the outset that I am somewhat—I hope I do not sound too cynical—amused at the opening comment that this is the most extensive debate that has ever been taken by a government in Ontario, bearing in mind the history. As you know full well, it was your original intention to have this legislation passed in final form and reading prior to December 13. Indeed, I hasten to remind you that this legislation was introduced during the course of the municipal elections, when attention was diverted elsewhere.

After the fact, and very unashamedly, I say, after persistent negotiations and a fight by the opposition, both the official opposition and the third party, you agreed reluctantly to public debate. I am glad it is taking place. Many people present here today and people watching are very much aware of the machinations that were undertaken to even get to this point we are at today.

I have a couple of questions I would like to put to you that you may have time to respond to. I hope you do, but certainly I am sure they will be responded to throughout the course of discussions with respect to this legislation.

It was drawn to the attention of yourself and people present that during the election of 1990, you and your Premier stated very clearly that there would be no expansion of any existing sites without an environmental assessment. It begs, then, the question, I say to you, Minister, how can we depend now on any undertaking or any statements you are making that would suggest to the people of the Keele Valley that they may have a hearing?

You are saying there is a tremendous amount of time, possibly running four or five years. It has been mentioned today that one of the possible solutions is a revision of the environmental assessment process. I have to ask the question, if that is true, if the capacity is there, why not begin the process of a practical solution in terms of looking at the environmental assessment process, getting under way with a hearing so that the evaluations can be made both with respect to Keele Valley, if it is deemed necessary to expand it, which I do not accept, and alternatively to look at a new site? It seems to me that given the time lengths you have set out here with some practical solutions brought to bear on the environmental assessment process, you could surely be under way towards finding a new site.

I have to say as well with respect to Britannia, which is much more critical in terms of time, that the people there have some very interesting questions I would be interested in hearing you address. You came in. There was a process in place which you rejected out of hand. The people of that community went through a great deal of time, effort and cost in coming up with an interim solution. In excess of \$8 million, probably \$8.5 million or \$9 million was invested in finding a solution. You walk into that community in the region of Peel and you say: "All bets are off. We're not going to proceed with the solution you have begun to search for and to put into place. I'm coming in here, basically telling you that I know what's best for you: I've looked at this and I have come to the conclusion that, as tough as it is, I know what's best. By the way, I'm going to tell you how to run the show and you are going to pay for it."

It has been said that you would not allow a basement apartment in your ward when you were on council without public participation, to make a point, so you were absolutely committed to public process in every respect of the word. Now we have a situation where you have said: "I'm sorry, I happen to know better," and I think that has to raise a question in a number of people's minds, "What can we depend on?" Promises were made in 1990. Promises were made for years in terms of public participation. Specific promises with respect to expansion of sites were made. Now those bets are off and we are starting afresh. How can the people have any assurance? All we have is your statement that you are going to proceed and I think the people will want to have some assurance.

I notice on page 7 of your statement, Minister, that you stated, "In October 1990, I set out this government's waste reduction objectives," and you set them out. At that time you also said there would be no garbage gap. My colleague, Mrs Sullivan, asked you the question: "What are you going to do? You've put a hold on the interim process. What are you going to do if you run out of sites? What are you going to do about Keele? What are you going to do about Britannia?" You stated, "There will be no garbage gap."

There is a garbage gap. Your very process of the introduction of Bill 143 is an admission of failure in terms of the process you undertook in 1990, when you said you had the answer and the solution. Bill 143 says, with respect, Minister, that you have failed in your objectives. The garbage gap is here and now you have to impose a solution, your solution, your way, and all the while the local municipalities will be responsible for the cost.

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I would like to know, apart from your ideological position, apart from the position you have taken with respect to incineration or energy from waste, what kind of technological analysis did you rely on? I would ask you and your staff to table all reports, any analysis and technical documentation that you relied on in arriving at that decision to rule it out without considering it publicly and looking at an objective analysis.

I do not sit here as a proponent for incineration or for energy from waste. I sit here today as somebody who says that he wants to be objective and open-minded and look at all possible solutions to find the best possible solutions available. I suggest there is a multiplicity of solutions to be brought to a very serious problem down the road and I think we have to begin to be open-minded and look at it creatively.

I ask the minister to table all technical analyses, all reports and documentation that she relied on in arriving at that policy decision. I would also like you to table with this committee the documents, reports, analyses and technical information that were brought to you to arrive at your decision with respect to the transporting of waste, the impact it would have on communities in terms of transportation, the cost analysis, the impact in terms of environmental downsides of trucking versus rail versus shipping and the technical analysis that was brought to bear for that as well.

I am pleased, I might add, that you have indicated that section 26 has been considered by yourself and your staff and you are removing it and changing it; similarly with respect to section 29. I was going to put a question to you. I am delighted, quite frankly, to say that you are prepared to accept the responsibility for the decisions you have made and are not delegating them to your authorities as you had originally planned on doing. For that, I want to congratulate you.

I come to section 33. You said you were prepared to continue the debate and dialogue with respect to the municipalities and regulating their financial management of waste crises. Why is it that you want to get involved, as minister, in how municipalities carry out the financial management of their waste management activities?

You want to get involved in the management of that and yet you are saying to them that at the end of the day they pick up the tab. You are imposing your solutions and your policies and your view in all respects and again saying to them: "I'm sorry. You've already invested money in good faith. You've invested a tremendous amount of time and energy and now I'm going to come in and tell you what to do, and you will pay for it." I would be interested in your comments on that.

Mr Cousens made some reference to section 4. We support your waste reduction initiatives. They are laudable. But you have to be aware that there are many companies not only complying with but seeking to move ahead of the national packaging protocol based on voluntary compliance. They are concerned, and justifiably so, that the undertakings they have given in good faith to move towards those goals, and in some cases exceed them, may be put aside and that you were going to impose more stringent goals.

I think they want to know—and I am sure we will hear this throughout the course of the debates with respect to part IV—how you are going to reconcile the good, positive direction, in most respects, of part IV together with the national packaging protocol in a manner that does not upset the time frames and the business plans that many organizations have.

One of the other issues, and there are many, I want to touch on briefly that I am sure will come up in the course of the discussions with respect to Bill 143 over the next number of weeks is as follows: On August 13, 1990, while running in the campaign, you issued a press release that said, among other things, that only a public garbage system would protect the people and the environment of Ontario, that only a public system provides full opportunity for public participation. You went with a clear direction for a publicly run waste and garbage disposal system in the province.

The minister is well aware of the amount of work being done by the private sector, particularly with respect to the industrial, commercial and institutional management of waste, and the important role the private sector has in terms of the economies of waste management and the fact that some municipalities depend very much on a private waste management system. I would like to ask your ministry and you to give us the information you have that would

reflect the costs associated with the death, if you will, of the private sector waste management companies in Ontario.

My question would simply be this: It seems clear to me that much of what is contained in Bill 143 in the underlying philosophy are your statements made prior to the election. They are consistent with some of the things you have said in your statement today. They really indicate, to me at least, and I will be interested to hear from you, that you do not see a viable role for private waste management in Ontario. What are the cost implications of that? What impact is it going to have on ratepayers in municipalities such as Metropolitan Toronto and the regions of Peel, York and Durham, if we see that eliminated? What disruption will that have? What will be the impact on the property tax base if we do away entirely with the private sector in this province?

There are many other issues that are going to come up from time to time during this debate, but I wanted to touch on those, Minister, and put you on notice for those.

I would like to know as well, how you are going to define the waste management problem? What does that mean in part IV of this bill? Are you going to ban the importation of certain products? How are you going to define a waste management problem, so that the private sector and business know what they are doing within this province?

Basically my concern, after all is said and done, is this: I think we have to come to this process, to the extent possible for any one of us, free of our biases and our predispositions, free of our ideological positions, and say: "Let's look at this objectively and analytically, and look at the empirical data that can be brought to bear on the solutions that can be presented to the waste management problems we have in this province."

I urge you to reconsider and at least open your mind, rather than take a hard-line position and say, "Certain components of possible solutions are off the table." Be realistic. Understand that we live in a time when technology is advancing at a tremendous rate, when there are solutions possible, and possibly around the corner, that we have not even thought of. I ask you to approach these with an open mind, looking at all possible solutions, so that the best environmental solutions can be brought to bear.

Mr Lessard: Minister, I want to thank you for appearing here this afternoon, but I am not going to go too far with that because I think most people would have expected you to be here on the day this committee hearing starts. They would also expect that there would be public hearings with respect to this very important bill. It is going to give a lot of people an opportunity to make submissions and to get their views known, and I know some of the people who will be appearing before us will probably be business people.

We have heard a lot of negative comments by business people in the province, saying that this really is not a conducive environment in which to set up their businesses. I was pleased this morning to see in the *Globe and Mail* a report that said Ontario has some definite business advantages when it comes to competing with other jurisdictions.

It noted New York, Michigan and Illinois as examples, and the benefits are substantial.

I expect some business people may say that some of the initiatives put forward in this bill with respect to waste audits and reduction plans might place onerous responsibilities on them and costs that they do not think they should have to endure. I notice that in your comments you gave some examples of some businesses that have undertaken these sorts of initiatives and have turned this into a very positive business practice for them.

In my own area, I know the local landfill site has banned some types of waste from business: cardboard, pallets, tires and things like that. But there are other avenues for them to go to in Harwich township that are fairly cheap to dispose of those sorts of wastes, and in light of those types of alternatives that are available currently—they may not continue to remain available—are there some initiatives being undertaken as part of the introduction of this bill to encourage business generators of waste to feel that doing waste audits and reduction plans could be beneficial to their businesses? Are we doing something to encourage businesses to do this so that when the legislation comes into place, they see this as an advantage and not as a disadvantage of doing business?

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The Chair: Would you like the minister to respond during your 10 minutes now or do you want to put all your questions on the table?

Mr Lessard: I would like a response after each question.

Hon Mrs Grier: Let me say that I think your points are very well taken. One of the difficulties that has been faced by municipalities across the province over the last five or six years as recycling became very much the desirable thing to do was the lack of markets for the goods that were recycled. A very important component of the waste reduction office is working with industry and business to develop markets for the products that are removed from the waste stream.

What we are finding—and I mentioned a couple of examples in my remarks—is that more and more businesses do not need to be told that it is very expensive to waste materials, and they are developing not only technologies but systems that enable them to reduce their own waste. Part of the impetus for that is the increased cost of disposing of it. When the tipping fees within the GTA went up, that certainly made people begin to look for cheaper ways of disposing of that material. Also, there is the demand from customers who are saying more and more: "We don't want excess packaging. We don't want you to waste." People come to us and say: "I have a blue box at home. Why can't I recycle some of those materials in my office?" So the pressures on business and industry from both increased efficiency and productivity, from increased costs and from consumer and customer pressure to get serious about recycling and reduction are very much there.

The other side of that of course is the opportunities it provides for innovative ways of doing that. We have some funding and grant programs available to help people improve the way in which they reduce their waste, so that we

can become a leader not in the generation of waste but in helping other jurisdictions reduce their waste. We see it as very much a part of economic renewal in this province to get serious about it.

Let me make one more quick point. I do not see the requirement for waste audits or revised ways of separating waste as an imposition of vast numbers of months and weeks of consultants and studies on a business. The waste reduction office is there to assist in how it might be done, to set up a pilot or a prototype of what a waste reduction plan would look like. We do not see this as being a very complicated and expensive imposition on business and industry, but as meeting the needs of business and industry to reduce their waste and do more with less.

Mr Lessard: Somewhat related to these other options that might be available—and I mentioned the one in Windsor where they can send waste to Harwich township in Kent county—you referred in your opening remarks to the fact that there is waste generated in Ontario that is going to Buffalo. In the Windsor area, we have an incinerator located in Detroit and we are involved in litigation to try to have some emission controls placed upon it. That is not really an alternative we would like to see in Windsor, to have our waste going to Detroit to be incinerated or to be landfilled in the state of Michigan either.

You said that in your discussions with New York and Indiana, they said they do not really want to continue receiving waste from Ontario. Is this a door that you sense is going to be closing in the near future or is this something you as minister might want to close the door on by imposing something like flow control?

Hon Mrs Grier: Let me address the first part of your question first. Yes, I am very conscious of the Detroit incinerator, and as people know, the people of Windsor are very concerned about the world's largest incinerator spewing its smoke and emissions on Windsor, because that is the direction of the wind. I carried on the suit against that facility that had been begun by my predecessor, Jim Bradley. In fact, I have been subpoenaed to appear on the witness stand in Detroit next Monday to explain the policies of the province of Ontario and be a witness in that suit, so I could not agree with you more that shipping our waste to someone else's incinerator is not the solution.

That is happening in some areas, mostly in the industrial, commercial and institutional sector where, when the tipping fees in Metropolitan Toronto increased and they began to export to New York state and Indiana, the approaches I have had from both of those jurisdictions have been in response to opposition from the people in those areas saying, "We don't want Ontario waste." The governments of both New York state and Indiana are contemplating putting in place taxes on waste that comes across the border or measures to prevent that coming. So the pressure is coming from them, but obviously also on the part of municipalities here wanting some responsibility for directing where waste may go in some of the discussions we have been having with municipalities and with the Association of Municipalities of Ontario. It is not addressed in this legislation, but it is certainly an item under discussion.

The Chair: For the information of committee members, the minister will be with us until 5 o'clock today. Having completed the time for opening, I have a request from the minister for some summation and perhaps answering of some of the questions that were posed, if she wishes, and then before the ministry begins its presentation, I have some information that I would like to share with committee members regarding agenda and a few other items. We will then have the presentation from the ministry and allow time for rotational questions and discussion, if you wish, with the minister until 5 o'clock, if that is acceptable to everyone.

Hon Mrs Grier: My understanding had been that there are questions of me now, and then the ministry presentation, which is more technical, and then questions of the ministry, but I am in your hands.

The Chair: If you would like to do it that way, depending on the wish of the committee, I think we are really here to accommodate the minister's time and to use her time most productively.

Mr McClelland: Madame Chair, to the extent the minister comments on questions that were raised or whatever, I leave it to your judgement. It seems to me the minister is going to have an opportunity to respond to some of those and may in fact generate other points. Perhaps we will have a brief opportunity, and I emphasize the word "brief," on either points of clarification or any issues that might be raised as a result of the minister's comments, or addressed at least by the opposition members.

The Chair: Would you like to begin, and then we will see if there is a request for further questioning of the minister at this time?

Hon Mrs Grier: Yes. Mr McClelland raised a number of comments I would be glad to respond to.

I think it is important to be very clear that waste management is a municipal responsibility, and I accept that and I see that as continuing. It is the responsibility of the Ministry of the Environment to make sure those decisions taken by municipalities or others are taken in an environmental way and are consistent with our objectives and with existing environmental legislation. When you say we are imposing on municipalities, I think that power, that responsibility has always been there.

Mr Cousens talked about the powers in this legislation. I point out to him that section 29 of the Environmental Protection Act gives the minister power to do precisely what I have done in an emergency, which is to direct a municipality to take certain actions. The additional powers in Bill 143 are to save the municipalities of Durham, Metro and Peel from suits that could be brought to bear against them as a result of other pieces of legislation or legal agreements they have entered into, but certainly the powers available in the Environmental Protection Act as it exists now give the minister the right and the responsibility of acting in the case of an emergency.

I want to respond to your question on the Keele Valley hearing because I think it is important for people to understand the studies I have directed Metropolitan Toronto to do. Our preliminary studies indicate that Keele Valley can

accommodate the amount of extra waste that is forecast without posing any harm to the environment. We have as part of my ministerial order directed Metro to undertake technical studies and to confirm that situation and to design how that waste might best be accommodated on the site, what additional leachate system is required, what the road access is and all the physical changes that would be required.

Those are the same kinds of studies Metro would have to do if it were going to have a hearing under part V of the Environmental Protection Act. I have said from the very beginning that we have been monitoring constantly all the changing factors as we go through this enterprise. The variables, as I indicated in my remarks, are essentially threefold, the rate at which we can divert waste. At the present time that rate is quite high, but some of it is because of the export that is now taking place. As I have indicated, that is an avenue that may very well be closed to us very shortly. I do not want to make decisions based on assumptions that the rate of diversion will continue. Our assumptions are that the amount of waste to 3Rs diversion will continue and will grow, and that is factored into our decisions.

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The other variable is how soon a long-term site can be up and operating. At this point, our best estimate is 1997. The staff presentations will go into that. If the generation rates decline and the waste diversion rates continue to increase, then we may find that any additional capacity at Keele Valley is not required. But again, I cannot make decisions based on that because there are very variable assumptions in there. What I have done from the beginning is to say that in the event we get to the date when Keele Valley closes and we have not got the long-term site, under the existing legislation I have the power to order that to happen.

I do not want to wait until that happens to issue those instructions, so I issued my ministerial order last August. That order says, "Do the studies." When those studies are completed, and our estimates are that it will be the end of 1993 that those studies will be completed, we will be, as we have been all the time, reviewing the variables and seeing how much time is left to us. Already we have extended the time which Keele Valley will be open to a certain extent, but if Peel decides not to proceed with the studies—Metro has agreed with the order and is proceeding with its studies. Peel has not as yet. That means that the waste from Peel would have to go to Keele and that means we lose another nine months out of Keele.

All these moving targets are out there. We are assessing them all on an ongoing basis. I have indicated from the beginning that if it were possible, we would have as much public consultation as we possibly could. Obviously, when we get to the end of 1993, when the technical studies have been completed, we will again be reviewing how much time we now have and whether we should work with Metropolitan Toronto to begin to prepare for an EPA hearing. Mr Cousens has been rightly critical of the complexities of the existing legislation. We are working on revising and proceeding with the EP process to revise the Environmental Assessment Act, Mr Cousens, but I think it is highly unlikely

it will be in place in time to deal with the Keele Valley situation.

When we get to a hearing at the end of 1994, there is again no guarantee that we will complete that hearing in time before we need the capacity. I feel it is fairer and more honest to the people of the greater Toronto area to say upfront at this stage, "I have emergency powers and I have no choice but to use them." If I get to the point where I find that I do not need to use them, I can assure you that we will have as much hearing as possible.

The other issue you talked about was site 6B, the interim site that had been identified in Brampton for the situation in Peel, comparable to the site in Durham region, the P1 site known as Whitevale. I think it is very important to recognize that under the previous process, the Solid Waste Interim Steering Committee, there was a gap. That gap was going to be filled by two interim sites, Brampton and Whitevale. Those are brand-new, unbroken greenfield sites for which there has never been an Environmental Protection Act hearing. The hearing that was contemplated in Peel was to begin in January 1991. It probably would have been finished at the end of 1993 at some point. We need capacity there next June.

I had to make the choice between opening up a brand-new greenfield site without a full environmental assessment or continuing the use of an existing well-operated site, Britannia Road, which has no record of environmental problems. I had always hoped that it would not be necessary to open or extend a landfill without a full environmental assessment. As minister, it became clear that this kind of unpalatable choice faced me, and in the best interests of the environment I decided it was safer and better to continue the existing site than to open a new greenfield site without any kind of environmental process. That is why I took the decision I did.

Mr McClelland: Simply as a response to site 6B in the last portion of your response rejoinder, I would simply say that there were other options. I think you and I both know that it is much too simplistic to say it was either do site 6B with a full EA or not. There were other options available. You know that as well as I do. A full EA could have been proceeded with on a number of bases.

You just raised the issue of exportation. I wonder if you have responded to the letter, sent to you by Metro council in October 1991, asking you to ban the export of waste to the United States, a very interesting dichotomy here inasmuch as Metro is running into a problem in terms of capacity. One of the things that has bought time is the export of waste, and yet Metro was saying, "Minister, please ban the export of waste to the United States." I wonder if you have answered Metro council, what your answer was and if it is reasonable for me to speculate that the reason you are allowing the export of waste to the United States is simply to buy time for the GTA sites.

You said also on page 8—

The Chair: Mr McClelland, you said brief questions. That is two so far.

Mr McClelland: That is two, and the other one—

The Chair: I am going to have to ask for one question at a time to the minister, two at most.

Mr McClelland: Very quickly, just as a point of information: On page 8 you said you had significant response to your October 1991 waste reduction paper. I wonder if you could be good enough to have your staff give members of this committee a summary of those responses so that we could understand the framework within which we are operating with respect to the input you have.

The Chair: Two further questions.

Hon Mrs Grier: With respect to what you are saying about there being alternatives to the interim sites in Brampton or Whitevale, I am not aware of any alternatives that would have dealt with the issue by June 1992. If there are alternatives, let's put them on the table and discuss them. I think that is what these hearings are about. Metro's request to ban export is certainly something that I have said to Metro we were looking at very carefully.

The difficulty, the issue of flow control that I think Mr Lessard raised, is assigning responsibility to the regional municipalities of the upper tier to deal with it and where garbage may go, a very controversial issue, as I think Metro found when it attempted to have some hearings into that itself. Your concern you indicated earlier about the private sector comes into play there.

I see a very real role for the private sector in continuing to run and operate a lot of the recycling facilities that exist in this province. I know there are some municipalities where the private sector still controls the disposal as well as the infrastructure. But the private sector had a number of concerns about the whole issue of flow control and the request of Metro to have some responsibility for that. Our decision, in light of concerns that have been raised about this legislation, has been that there are some aspects of it that apply province-wide and that we would not deal with that issue in this legislation.

I have been in this consultation with the Ministry of Municipal Affairs and with AMO and around consultation and discussion about that issue, but for the purposes of dealing with these particular problems within the GTA, it was not felt that at this point we could include flow control in this legislation, because we had not had adequate consultation on its impact province-wide. But I can assure you that is an issue that will be addressed in the near future.

Mr Carr: I have a specific question regarding the Halton area. As you know, Halton has gone through the process of picking a site, spending many millions of dollars and a great deal of time. I guess the capacity they are depending upon, if they took only Halton's garbage, is somewhere in the neighbourhood of 15 years. The fact of the matter is that when we run into a problem, Toronto's garbage from the remaining municipalities would fill that very quickly. Notwithstanding the fact that you talk about regions looking after some of their own waste, their big concern is that their site will be selected and used as a stopgap measure before some of the other sites are picked. Do you see that happening? What can we tell the people of Halton with regard to the site?

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Hon Mrs Grier: I think you can tell the people of Halton that Bill 143 gives them fairly clear assurance that this is not going to happen. I certainly recognize their concern. I have had extensive discussions with the chairman of Halton and have indicated that I do not think any municipality should have to go through the expensive process that Halton went through to look after its own needs. That community has taken responsibility for looking after its own waste, both with a very effective waste reduction program as well as finding a long-term site.

That site will be available in the fall of 1992. Quite frankly, it would have been very simple to say to Peel: "Halton will be up and running in the fall of 1992. There's an easy place to take it." I have not done that. I do not intend to do that. I am prepared to take all the criticism for having told Peel to do something that people around the Britannia site do not want to see happen, because I think Peel also has to take responsibility for its waste.

Similarly, in the sections of this legislation that deal with a long-term site search as opposed to one large site for the entire GTA, which was the previous approach—if it had not worked it would have meant that only the Halton site was up and running, and what you suggest might well have come to pass—I have said no, we are going to find three sites and we are going to find them within the GTA. Halton has looked after itself, so we are going to find one for Peel, one for Durham and one for York-Metro.

I am aware of your concern and of Halton's concerns and I am confident that the measures in this legislation are designed to make sure no minister ever has to do what you are suggesting.

Mr Carr: You are saying you believe the long-term sites will be up and running. I am not talking about the short term—I know you have uplifted Britannia, which you easily could have moved to Halton—but I am talking about the long term. Do you mean you believe the three sites will be selected and up and running before any of the other municipalities run out of space?

Hon Mrs Grier: I think you will see as we get into discussing the details of the legislation that the environmental assessment for the long-term sites is being begun with much greater clarity, direction and participation than any other long-term site search.

The difficulty with the Environmental Assessment Act and the waste management master planning process has been that it has been so open-ended. I have heard this from a lot of municipalities and I entirely agree with them. The Environmental Assessment Act requires an evaluation of all possible alternatives. What I am hearing from municipalities is, "Tell us what the provincial position is and give us the direction and the framework within which we begin that environmental assessment."

That is why in this legislation I am saying clearly up front and from the beginning that long-term transportation and incineration are not an option. You do not have to spend a year evaluating where Peel could transport to or what kind of incinerator it could build. You know very clearly that the alternatives you have to assess are disposal

in a landfill and the most aggressive 3Rs you can get up and running. There will be a lot of debate at that hearing about how aggressive that 3Rs program is and therefore how large a site is required, but by giving that clear indication of the requirements and obligations on the Interim Waste Authority as it embarks on that site, we have put the Interim Waste Authority in a different position than Halton was when it began its search.

Similarly, in the documents that lay out the process under which that search will be undertaken, we have spelled out at the very beginning what the site selection criteria are. We have spent the last several months in consultation, public meetings and dialogue about what those criteria ought to be. We have said to people: "Come in at the very beginning. Don't wait until somebody identifies a site in your backyard to get involved in solving this problem. We will provide participant funding at the very beginning, not just when you get to the hearing process, in order to help you play a meaningful role in this process." If you look at those documents, you will see that the time lines are very clear, the turnaround time for my ministry is going to be better than it has been in the past and all that is going to contribute towards arriving at a decision.

Do not for a moment let me let any of you be under the misapprehension that it is going to be a popular decision. I know that when sites are identified, the Interim Waste Authority is going to take just as much criticism as anybody else who has tried to identify a long-term site, but by setting out clearly the process, the opportunities for participation and the ground rules I hope nobody ever has to go through again what Halton went through.

Mr Martin: I want to take the opportunity to thank the minister for coming today and so very articulately laying out what I think was asked of her, to put into some context the next few weeks as we listen to those who are concerned about what we do with the waste that is being produced in our society today, and for the way in which she laid out both the long-term plan and the hopes for this government as we move towards a greater conserving society and also for the clarity and the conviction re her response to the immediate crises we face.

I think we have here an example of not forgetting that our original intention is to drain the swamp and not get caught up in the alligators that are around us up to our armpits.

Hon Mrs Grier: You are not referring to the committee, I think.

Mr Martin: No. I think there is a lot of realism and confidence both in what you have presented and in the way you have presented it, without apology, and in the difficulty that will come with what we have to do and the challenge that is in front of us.

I want to focus for a minute on the whole idea of moving towards a conserving society, and ask a question that some of the communities ask that I have spoken to. As we look at the 3Rs and become more involved in that, this whole question is, is the ministry going to be willing to provide the resource that is necessary for these communities to get into the kind of technology that is going to be

necessary to really do that in a way that will have a significant impact on the large amount of garbage we are producing at the moment?

Hon Mrs Grier: I think you have touched on what is certainly a very sensitive question for the municipalities which have found themselves in a system with pressure for recycling and without the resources to do it. Part of that has been that as the system was set up, only some pieces of the puzzle were put in place.

The blue box has taken off and has been extremely successful, but the basis for its funding was going to be the revenue that would be derived, for example, from aluminum soft drink cans. We hardly got it up and running before the industry changed its mind and decided it was not going to sell soft drinks in aluminum cans; it was going to go back to thin steel cans. The revenue that was anticipated from the separation of those cans was lost to the municipalities. We have been faced with some very grave dislocations in the funding of the entire system.

I was delighted that despite financial hard times, the Treasurer in last year's budget was able to enhance the funding for the 3Rs, so we were able to bring back some municipalities which had run out of the three-year operating grants, to fund and support them and work with them to help them develop some markets for their materials.

As I responded to an earlier question, as we develop markets, as the pressures from consumers for recycled materials occur and as governments begin to look at procurement, I think we then find a way of looking at the financing in a better way. By asking for recycled paper we help the financial situation, because then, as others do that, there is a market for the paper that is separated.

I think there are a whole lot of levels at which that financial situation has to be looked at in trying to draw it all together. To give some clarity, the waste reduction office is preparing another consultation paper in our series of waste reduction initiatives. I met with AMO this morning and talked to it about the need for a long-term consistent financing plan. That is very much part of the initiatives from the waste reduction office; but I do not have it to lay before this committee at this point.

1530

The Chair: We have had one rotation through the caucuses. Is it the wish that we continue questions—Mr Cousens has requested an additional question—or shall we move now to the ministry's presentation?

Mr Wiseman: I think we should go to the ministry people.

Interjection: I would be happy to let Mr Cousens put his question.

The Chair: You are willing to let Mr Cousens have his questions?

Mr Wiseman: We would have to go through the rotation again, to be fair.

The Chair: If there are additional questions, we will go through a full rotation; if not, it would just be Mr Cousens.

Mr Wiseman: He can ask the question at his next time up. Perhaps we should go to the ministry.

The Chair: All right. Do you want to put your question on the record?

Mr Cousens: I was anxious that the minister give us the cost-effectiveness of the blue box program. I am wondering where the markets are for recovered materials. Does she see much happening on that? According to a recent Market Place program, the end product, plastics and glass, is being stockpiled right now. I am concerned about the future of that.

Hon Mrs Grier: We can certainly address that as part of the ministry presentation.

The Chair: Before the ministry begins its presentation—the ministry will assume the positions at the table at the front—there is some additional information I would like to share with the committee regarding the agenda. The agenda for the duration of the hearings has been tabled by the clerk. I believe all members have a copy of it. What I would like to point out is that not all the appointments which are in the printed agenda have been confirmed. This means the clerk has communicated with each group or individual person listed on the agenda in some manner, but at the time of the printing of the agenda not all the responses had been received.

No one calling after the cutoff date has been contacted for an appointment at this time. They have been put on a wait list, and as appointment time is available they will be contacted. The subcommittee met last Tuesday for the purpose of instructing the clerk regarding the lists of requests sent to it prior to that meeting. The instruction given to the clerk was that the agenda should be prepared on a first-come, first-served basis in regard to when people had responded to the advertisements about committee hearings. Everyone who contacted the clerk before the cutoff date of January 13 was offered an appointment. I think that is a very important point for everyone to know.

The subcommittee was notified by the clerk, who informed members that there was an overwhelming response from Kirkland Lake and that she had not been able to schedule everyone in Kirkland Lake on the date of the Kirkland Lake hearing. It was agreed by members of the subcommittee that she would continue to schedule on a first-come, first-served basis and that she would offer any of those who could not be accommodated during the time in Kirkland Lake an alternative appointment in Sudbury or at one of the other locations that were available.

Those remaining on the wait list for Kirkland Lake would be encouraged to participate and to present in Sudbury. If they did not wish to do that, it was the view of the subcommittee that they would remain on the wait list to see if a date became available and that they would also be encouraged to submit their views to the committee in written brief, videotape or cassette tape form.

The people watching these hearings should know that they can communicate with the committee at any time over the course of the hearings in writing or in the form of a videocassette or tape recording of any type. The clerk has informed me that all submissions should be in by February 14. The clerk informs me that she followed the advice given by the subcommittee and notified those people in

Kirkland Lake who could not be accommodated in Kirkland Lake. None has accepted the invitation to appear. Oh, I am sorry. Only one has accepted the invitation to appear in Sudbury. All others remain on the wait list for Kirkland Lake and will be slotted in as time is available.

Mr Cousens: Did the clerk make available information to them about possible subsidies for transportation to the Sudbury location to make it easier for them?

The Chair: The question was discussed by the subcommittee, and as the member knows, there is not an overriding subsidy available for all people who wish to come to committee. That decision is made by the clerk on a need basis and on individual requests and after the fact, to show that they required that assistance. The subcommittee was made aware of this and that is the policy of the committee. Anyone requiring assistance will have to apply to the clerk. There is not an overall travel subsidy made available to anyone who just requests it. That should be pointed out. Did you want to add anything to that?

Clerk of the Committee: I have had three unofficial requests. I asked them to follow up in writing to me and I have had nothing in writing to date.

The Chair: Just for the record, would you put the process or procedure for requests that you require.

Clerk of the Committee: Anyone wishing to apply for a travel subsidy is requested to submit it in writing to the committee. At that time they should indicate that they do not have an alternative source of funds. The normal practice for committee members to follow when they are assessing the situation is that if they agree that they feel the person or group should have any assistance, normally one person from that group would be allowed travel fees only. It should be submitted with receipts to the committee after the time of their appointment. Then they would be reimbursed after that if the committee, in this case the subcommittee, approves it.

The Chair: That is the standing policy on transportation and expense for all committees. The subcommittee discussed this at length and felt that policy should be supported and maintained. The clerk was instructed to make sure everyone who made that request was aware of what the policy was and that it was in place. I hope that clarifies that situation as to the process for anyone who is on the committee or watching these proceedings.

The clerk will continue to slot in time available on a first-come, first-served basis. From time to time it may be necessary for the subcommittee to meet to resolve any issues which may arise, but I believe the scheduling has gone quite smoothly to date. I was pleased that everyone who had applied prior to the cutoff date was offered a time slot. That does not always happen at committee, so I think we can be quite pleased with that. I would like to congratulate the clerk for a job well done to date.

I would also like to introduce to the committee Jerry Richmond, who is going to be the researcher. He has already submitted to the committee a package of some of the articles members might find of interest. He is going to be doing two things for us, gathering the kinds of articles the committee will be interested in as well as preparing a summary

which will be submitted to members at the appropriate time. It will be the responsibility of ministry staff to provide answers to members' questions which are placed on the record. I just wanted to point that out to all committee members at this time.

As well, all members received this package from Jerry Richmond at research. There was a request that had been made regarding available legal opinions. They are in the folder and all members of committee have received them. I ask that each member of committee ensure this is available to anyone who is substituting for you. There is only one of these made available for each member of the committee. As substitutions occur, this should be made available to any other members who will be serving on the committee if they have an interest in the legal opinions.

Are there any questions or comments from any of the committee members on the scheduling of the agenda or any of the items we have raised to date?

1540

Mr Wiseman: According to the list, there were a number of time spots available. Have we given any thought to how we are going to deal with some of those empty spaces?

The Chair: As you know, the subcommittee discussed that matter. It was determined that the clerk would fill in the spaces that were available on a first-come, first-served basis. The other thing noted was that some people wanted to change times. By tabling the agenda, presenters who find that the time they have been given turns out to be difficult for them can contact someone else and make their arrangements to try and change their time if they can. But it is not the responsibility of the clerk to do that. She tries to accommodate everyone wherever possible. If a change or a switch is made, it is imperative that the clerk be notified and that both parties signify their agreement to that kind of change so that there is no misunderstanding.

Similarly, everyone should know that they can submit in writing or using any of the technologies available for audio or video presentation to the committee until 14 February.

Is there anything else we had? That is everything. That answers all the questions. In that case, I think it is now time to ask the ministry people to introduce themselves. Perhaps, Minister, you would like to do that, introduce your ministry officials, and they can begin their presentation.

Hon Mrs Grier: I am more than happy to do that and perhaps indicate those sections of the legislation individual people will be presenting. Jan Rush is the assistant deputy minister in the office for the greater Toronto area and will be dealing with parts I and II. Alex Giffen is the assistant director of the Toronto regional office and will be dealing with part III, which is the gap. Drew Blackwell is our assistant deputy minister in the waste reduction office and will handle all else. Leo FitzPatrick, who is the counsel from our legal services branch, is also available if there are specific legal questions that need to be answered. Jan is going to start.

Ms Rush: As the Minister indicated, I will be speaking to parts I and II of the bill. I should also add to my title that I am chair of the Interim Waste Authority. The

responsibility for parts I and II rests with the minister in her capacity as the minister responsible for the greater Toronto area and they refer to the status, powers and direction of the Interim Waste Authority.

The Interim Waste Authority was created last spring under the Business Corporations Act. We were directed to proceed to start the site search for the long term as soon as possible and the Business Corporations Act gave us the ability to very quickly, effectively, with a financially sound basis and in quite a straightforward way, begin to incorporate ourselves and start. The minister, in her capacity as minister responsible for the greater Toronto area, is the shareholder. There is a board of directors, of which I am chair. We are guided by a memorandum of understanding, and that memorandum of understanding specifies the roles of the minister, chair, board, deputy minister and general manager. Should anyone wish, that could be made available to you.

We began, under agreement, to act as a schedule 2 agency and have been doing so. The first two pieces of this legislation propose to continue the Interim Waste Authority as a business corporation and formally to confer upon it crown agency status.

The next part of part I gives to the authority the two powers it requires to execute its mandate that are not available to any other corporation without legislation, and that is the power to enter into property and the power to expropriate land. I should say that the Interim Waste Authority fully intends to negotiate with all land owners prior to using those powers, but the provision is there for those powers for the corporation.

Most of the sections in part I deal with the safeguards and the protections to property owners should those powers be necessary. I think it is important to recognize that those safeguards are quite extensive and are much greater than exist in most legislation in terms of power of entry. We will not enter into any buildings. In terms of property, this is for land and is a necessary component of doing the appropriate tests for the site search.

The second part of the legislation puts into law the decisions the government has made regarding the environmental assessment and the undertakings for the Interim Waste Authority. The Interim Waste Authority is the implementer of the mechanism for those decisions. I should point out it is not a policymaking body. It defines three undertakings for the corporation. It talks about a landfill site in each of three areas. Those search site areas are defined as Peel, Durham and York-Metro. It also defines that the landfill sites we searching for must have a capacity of at least 20 years.

The wording of the legislation then gets a bit tricky, but the point being made is that the next part of the bill requires us to look at the 3Rs as the alternative to any undertaking. That is the mechanism by which the government's ban on incineration and long-distance exports will be executed. Further on in the bill it then uses the words "incineration" and "long-distance transportation" as a double check to ensure that those cannot be considered part of the decisions of the 3Rs. That is when you will find that wording in the bill.

Another part of part II sets up the role of the Ministry of the Environment in terms of providing the waste diversion numbers. Given that the alternative for the undertakings for the environmental assessment are the 3Rs, the waste diversion numbers become extremely important in our process. Prior to the Interim Waste Authority being created, the office for waste reduction was created to begin the consultations and coordination for the Ministry of the Environment to develop its policies, programs and regulations for waste reduction.

It was clear to us that they, in achieving their objectives, were going to be dealing with diversion numbers, diversion data. In order to make it clear, we decided it would be more appropriate for the Minister of the Environment to provide those numbers to us. It would have been costly, confusing and quite an inappropriate duplication of effort to have the waste reduction office on the one hand out talking about all these numbers and consulting the people, and having the waste authority doing the same thing. That is the purpose of that part of part II.

As the minister mentioned in her opening statement, it also gives us the ability to provide participant funding. That is something we will be able to do much earlier in the site search process than has been done before. It certainly allows us to give the resources and the wherewithal for interested groups to become a key part of this exercise well ahead of intervenor funding. We are now working out the details of how we will do that.

I will stay very brief and just pass on to my colleague from the Ministry of the Environment about the gap. I should say that our scheduled project planned at the moment shows that site construction will end around late 1996, but recognizing the massive nature of these projects, our prudent planning date, if I could put it that way, is 1997.

Mr Giffen: As the minister indicated at the opening, my presentation is to explain the disposal gap and the measures provided in part III of the Waste Management Act to manage waste between now and the time the Interim Waste Authority's long-term sites are open and operational.

Of the five GTA regions, as I think we heard in the questions earlier, only Halton region has a long-term landfill site. We have heard about the undertaking from Ms Rush. We heard from Ms Rush about the undertaking of the Interim Waste Authority to establish long-term sites, one in Peel, one in Durham and one in Metro-York.

The current project schedule date for the opening of long-term sites is late in 1996. For planning purposes, we feel a more probable and realistic date for the opening of the sites is September 1997. That is the date we are using to plan for and manage the gap.

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The first challenge we have facing us is to determine the quantity of waste that will need to be managed between now and when the long-term site opens. In 1991 we saw a very significant decline in waste going to Metropolitan Toronto and Peel region landfill sites.

This next chart provides information on the waste quantities. These are the residual waste quantities that went to landfill sites for Metro Toronto and Peel region over the

last four years. In 1988 a little over four million tonnes of waste was landfilled at these. In 1989 we saw the quantities level off, then in 1990 we started to see a decline in waste. This decline is partly attributed to the 3Rs programs and some successes that we are seeing. Prior to 1988, the quantities of waste going to landfill were continually increasing and the prognosis was very bleak as far as future landfill life was concerned. In 1991 we saw a very dramatic decline of over 30% in waste quantities from the 1990 rate. This has had a significant effect on the forecast closure dates for landfill sites in the GTA.

The waste quantities to be disposed of in landfills are subject to a number of variables. The first one is the success of the 3Rs programs. If the municipalities and industries are successful in implementing the 3Rs programs and meeting the provincial goals for the planning period, this will significantly reduce the quantity of waste going to landfill sites. The second variable is economic conditions over the next five to seven years. Third, you heard the minister mention that export is a major consideration. It has been reported widely that there are large quantities of waste from the Metro area going to the United States. This again is another variable that, when you combine it with these, can have a real effect on what the available landfill capacity will be during the period between now and the opening of long-term sites.

The estimated closure dates that the municipalities of Metro Toronto and Peel region have been using to determine what landfill capacity is available to them have been based on a flat-lining of the 1991 levels. You recall the 1991 level is 30% below the previous year. It is this lower level that Metro Toronto and Peel region have been using in forecasting their landfill needs and what their closure dates might be at the existing sites.

In addition to the factors that affect the quantities of waste that will need to be landfilled, we also have to consider factors that affect landfill capacity itself. We know that the composition of waste will change as the 3Rs program progresses. The waste composition going into a landfill site affects the ability to compact the waste into the smallest possible space. To give an illustration, if you think of a ton of feathers and a ton of lead, the ton of feathers occupies a much larger space than a ton of lead. As the characteristics of waste change—and this is all uncertain—we could see our ability to compact the waste into that small volume either positively or negatively affected. It is one variable we have to contend with.

Another one is that when the waste is placed in the landfill site it is mechanically compacted into the smallest possible volume. It is basically this factor that really sets the minimum capacity for a landfill site. We know what compaction levels we can achieve in the landfill site and we know the available volume in the landfill site. That sets the minimum capacity we have available to us to get us through the gap period.

After the waste has been landfilled there continues to be settlement of the waste. The rate of settlement and the amount of settlement is uncertain. At small landfill sites it is not a significant factor, but at large landfill sites like Brock West, Keele Valley and Britannia the ongoing settle-

ment can be significant and can result in significant improvements in the picture. It can result in more landfill capacity being available than we anticipated.

The fourth factor that can be very significant is the rate of decomposition of the waste once it has been landfilled. For example, at the Brock West landfill site, where Metro Toronto used to mix sewage sludge or codispose sewage sludge with the municipal waste, that practice provided very large quantities of moisture. This promoted a more rapid breakdown of the waste. The waste has settled and decomposed to a much denser mass than we find at Britannia or Keele Valley where sewage sludge is not accepted.

When you combine these factors at the landfill site together with the factors or the variables affecting the quantities of waste to be landfilled, we end up with a variety of guesses on what our closure dates might be for the existing sites.

This next overhead shows a chronology of Metro Toronto landfill site closure dates. I want to emphasize that I am not showing this to be used as a criticism of Metro Toronto but rather to help me illustrate to you the difficulty and uncertainty of trying to establish closure dates or the dates when the GTA landfill sites will reach capacity.

You recall I mentioned earlier that waste quantities had been continually increasing on an annual basis. It had been forecast that the Brock West landfill site would reach capacity in March 1990—that date has already passed—and Keele Valley in late 1992. If you move down to April 1991, just a few years later, the revised forecast for the closure of Brock West was late 1991 and the Keele Valley landfill was late 1993. Just a matter of months later a new report came out that indicated a closure date for the Brock West site for late 1992. For Keele Valley they provided a range of dates between 1995 and 1997.

This continuing extension of the estimated closure dates for the landfill sites is a direct reflection of the increasing density of waste we are seeing in the landfill sites with time and also the dramatic decline in the quantities of waste that were produced in 1991. When you project the 1991 rates of waste landfilling through the planning period up to the opening of landfill sites, you see that we need many millions of tonnes less of capacity than if you used the 1990 rates.

The range of dates Metro Toronto set out in 1991 provide the most recent and current estimate of the closure dates for the landfill sites. The range of dates that are set out in here are based on different assumptions on settlement rates and decomposition rates for waste. They are all based on the 1991 landfilling number. In presenting this range of dates, the report that was released by Metro Toronto cautioned that changing economic conditions and the halt to export of waste to the United States, for example, would significantly reduce these dates.

This next chart, showing the closure dates for the Britannia, Brock West and Keele Valley landfill sites and the extent of the gap period or the period when we do not have landfill capacity, is based on our current best estimate of the existing available approved capacity in the three landfill sites and assumes that the quantity of waste to be managed will remain at the 1991 level. So from a waste

quantity generation point of view, we are using the most optimistic scenario.

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Based on those assumptions, landfill sites in the GTA will begin to close as early as June of this year when the Britannia landfill site is expected to reach capacity. In the case of the Brock West landfill site, closure is expected in the fall of 1994. Under scenario 1 for Keele Valley, the closure would be in February 1997. The scenario 1 for Keele Valley is based on 1991 rates of waste generation and the expectation that there will be continued settlement and decomposition of waste in the landfill site.

Scenario 2 for Keele Valley is based on a return to the 1990 waste quantities, which were 30% higher than 1991, and successful 3Rs programs across the GTA. It also assumes a halt to export and that there will be continued settlement and decomposition of waste in the landfill site. Under that scenario, the closure date moves back one year. We lose a year of capacity if those factors were to come into being. If, for example, the municipalities were unsuccessful in the 3Rs programs, we know from the numbers that we would have a closure date approximately another nine months earlier, perhaps in the middle of 1995.

What I am trying to illustrate here is that there are a number of variables, a number of factors that create a great deal of uncertainty of when the landfill sites might reach capacity. We know that the best estimate we can give for the opening of the long-term site is late 1997. We heard that earlier from Ms Rush. That means that based on this assessment we are faced with a gap of as little as six months, in the case of Keele Valley under scenario 1, to a gap of as much as five years in the case of the Britannia landfill site.

The strategy for dealing with the gap has three components. The first component, which we heard discussed a little earlier here this afternoon, is an extension of the Keele Valley landfill site with the addition of a lift. A minister's report was issued to Metropolitan Toronto to carry out the necessary studies and plan for the lift if it is needed. The second component is an extension at the Britannia Road landfill site with the addition of a lift at that site. Again, a minister's report was issued to the region of Peel to carry out the necessary studies and prepare and plan for an additional lift at that site.

The term "lift," I have found, since it was raised earlier this year, has been confusing to many people. I thought it would be helpful if I tried to explain to you what people in the landfill business mean when they use the technical term "lift."

Each day when the waste is received at the landfill site it is deposited on the ground to varying depths and then it is compacted throughout the day's operation with bulldozers and special equipment equipped to provide a very high density compaction of the waste. At the end of the day the waste is covered with a layer of soil and that leaves us what we call a waste cell. The next day and each day after that an adjacent cell is constructed and as times goes on these cells progress across the landfill site. Once an area of the landfill site has been finished, the operator will go up on top of the layer of cells and start another level. This

layer of cells is referred to as a lift. What is being ordered at the Britannia and the Keele Valley landfill sites is the addition of a layer of waste on top of the existing waste that will add height to the landfill site.

The depth of the lift, the thickness of the lift, can vary from site to site. In the case of the Britannia landfill site, the lifts average around 4.5 metres in height. In the case of the Keele Valley landfill site, a much larger landfill site, it is a larger operation. Metro Toronto receives three to four times the quantity of waste on a daily basis that is received at the Britannia site and the average lift is 7.5 metres in height, so in essence, on average, we are talking about a 4.5-metre lift for Britannia and a 7.5-metre lift at Keele Valley.

This is a schematic; it is an oversimplification. The landfill sites are contoured. They have a changing feature to be compatible with the end-use plan for the site, and so the lift would not just be a flat layer but would follow the existing approved contours, but they would raise the elevation of the site.

The third component of the gap strategy concerns Durham region. The Keele Valley and Britannia Road landfill sites are considered to be technically and environmentally suitable for expansions with a lift. A great deal of information is available on all aspects of their operation from ongoing monitoring. They are well-operated and well-engineered sites for the appropriate environmental controls. The information and knowledge gained over many years of operating and monitoring experience indicate the increase in height of these sites with the addition of a lift will have minimal environmental impact and will meet all existing environmental standards.

The Brock West landfill site is much older than Keele Valley and Britannia. It is not as well engineered. Its clay liner is an experimental one. It was approved on that basis. There has been a previous history of odour problems from that site which are now under control. A lift at Brock West could cause problems with the liner leachate system and the gas collection system. Since an underlying principle of the gap strategy is environmental integrity, a lift was not recommended at Brock West and it is felt that site should close when it reaches its approved capacity.

Consequently, Durham region is being required to provide for transfer facilities to haul Durham's waste to Keele Valley once Brock West is closed in 1994. A transfer station is a facility where small curbside vehicles that you see out in front of your house bring their waste loads into a transfer station and that waste is transferred to larger vehicles for hauling to the landfill site. The vehicles you will see on the local streets might carry between five and six tonnes of waste. In the case of a transfer vehicle, they will carry between 20 and 30 tonnes of waste. This ensures that the local collection system is operated as efficiently as possible. Equally as important, it significantly reduces the amount of truck traffic that would go to the host community where the landfill site is located, so the construction of transfer facilities for Durham region waste that is coming to Keele Valley we consider to be very important.

The minister's reports, issued to Metro Toronto, Keele region and Durham region under Section 29 of the Environmental

Protection Act, have two important components. Each of the municipalities has been required to carry out very detailed technical studies to ensure proper implementation and operation of the sites, whether they be the landfill site or a transfer facility. These studies will consider the environmental controls, such as gas and leachate monitoring and control, storm water management and groundwater monitoring. As well, these studies will look at the site operations. They will have to assess traffic, litter, noise, odour, dust, the buffer zone requirements and the after-use plan for the landfill sites.

A second and equally important component is the community involvement program. Each of the municipalities is required to carry out a very comprehensive community involvement program. They are required to establish a public liaison committee to provide for ongoing public input throughout the course of the studies and during the operation of the lifts. They are required to establish, maintain and staff a public information centre in each of the communities involved. As well, they will be expected to conduct various information sessions and public meetings throughout the course of the studies.

As far as the status of compliance with the minister's reports is concerned, in the case of Metro Toronto we heard earlier that it is proceeding with implementation of the minister's report and it is meeting all the requirements of that report.

In the case of Durham region, Durham proceeded with the minister's report as required. Their consultants' preliminary report indicated a potentially very high cost to construct a new transfer station at the Brock West landfill site. It is expected that Brock West will close in 1994. When it does, there will be a need to transfer all waste to Keele Valley until such time as a long-term site is available. The minister has indicated to Durham region that she recognizes there may be more cost-effective alternatives to constructing a new transfer station at Brock West, and Durham is being allowed time to pursue feasibility studies and report on other alternatives that might be available to Durham that might be more cost-efficient and cost-effective.

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In the case of Peel region, the new council for the region of Peel is currently considering the steps it will take to address the minister's report.

In summary then, Bill 143 provides the legislative framework for implementation of the gap measures. The variables I mentioned earlier—the successive 3Rs, future economic conditions and future export, as well as the landfill factors, the mechanical compaction, the settlement and the decomposition—create real uncertainties. Waste quantities have a great potential for altering closure dates.

Because of the changing landfill capacity numbers and the fact that waste quantities to be managed may be changed, significantly affecting landfill closure dates, the ministry is committed to a regular review. I think the minister referred to this earlier in her opening statement. This regular review will look at the data, will need to follow the progress of the long-term site search and the expected opening dates that are being forecasted for that search, will have to continue to monitor waste quantities that are com-

ing to landfill sites to see if they are increasing or decreasing and also, finally, will have to look at what the remaining landfill capacity is that is available to us to manage the gap period.

The minister's reports were prepared to plan for any shortfall or gap and to have the necessary technical studies completed to ensure the gap measures can be operational in time and properly implemented. It is both necessary and prudent to plan for, and be prepared for, any possible shortfall in landfill capacity.

That completes my presentation. I hope it will be helpful.

The Chair: Could you make a hard copy of the slides available so they will be part of the committee record?

Mr Giffen: Yes. We have copies.

The Chair: That is fine.

Also, there was one question that was suggested by research, Minister. In your opening comments, you announced a number of changes to the legislation. The question is, when will you be tabling the amendments? Will you be doing that prior to the hearing, or when do you intend to table those?

Hon Mrs Grier: I think our intent was prior to clause-by-clause so that we could take into account, in any amendments, the discussions and what appeared at the committee. The clauses that we are changing are just the ones that we have come to a conclusion about. They are the ones I outlined in my statement, and I think they are very clear. It is a deletion, as opposed to a change in wording, but I will make sure that a summary of that is available to members of the committee.

The Chair: I think that would be helpful, both for presenters as well as for committee members, if they could know which clauses you intend to delete or which ones you suggested for amendment. Then the actual tabling of the amendment will occur prior to clause-by-clause.

Hon Mrs Grier: Right.

The Chair: I have questions. Ms Haeck.

Hon Mrs Grier: Do you want to complete? Drew Blackwell is still going to make a presentation.

The Chair: We will allow the ministry to complete the presentation before questions.

Hon Mrs Grier: Drew is the assistant deputy minister responsible for the waste reduction office.

The Chair: As they were just getting set up, I thought we might be able to get a couple of questions in, but it looks like they are almost ready.

For the information of committee members, in the order of questioning, the way I intend to do this is to rotate through the caucuses as to who gets to question first, so Mr Cousens, even though you put your hand up before Ms Haeck, you began the last round of questioning and you will be rotating this time. This is so that there is no question about how it is going to work.

Perhaps while we are waiting for the presentation to be set up, we could use our time productively. Ms Haeck, did you want to place your question?

Ms Haeck: Yes. The word "export" has been used several times. Mr Giffen, you made mention of the fact that the waste stream was going to be impacted upon by exports. Do you mean that it is exclusively going to the US, or when you use the word "export," are you referring to other locations in Ontario?

Mr Giffen: I was referring to the information available about the export of waste from the greater Toronto area to the United States. The various reports give numbers of a few hundred thousand tonnes. From some people, we have heard a million tonnes. The best estimates Metro Toronto has been able to provide to the ministry—this by looking at the companies that traditionally have hauled waste to Metro Toronto, by looking at the decline in the waste quantities being handled; it is a decline in the industrial sector—is about 500,000 tonnes a year. That is the component I was referring to. If that were to halt and that 500,000 tonnes were to come back to Keele Valley, for every three years you lose a year's capacity at Keele Valley.

Ms Haeck: You have not mentioned it here, but at some point in my checkered career someone has mentioned importation of garbage. Is any of that going into Toronto?

Mr Giffen: Currently I would be surprised if people would import waste into Toronto because of the very high tipping fees. I think the reason we are seeing waste leave the Metro area—the reports indicated that it is of financial advantage to the generators and the waste haulers to go to the US where the tipping fees are much lower. All the numbers are indicating that there is not an importation of significant quantities of waste into Metro Toronto.

The Chair: I think we are ready with the presentation.

Mr Blackwell: I am going to touch on three points. First, I will describe briefly what part IV of the bill is about. Second, since part IV is needed to implement the waste reduction action plan, which the minister mentioned in her remarks, I will list the major initiatives included in that plan. Finally, I will address the importance to our society of the waste reduction measures that will be made possible by the passage of Bill 143.

Part IV consists entirely of amendments to the waste management provisions in the Environmental Protection Act. Consequently, unlike parts I, II and III of Bill 143, which deal only with the greater Toronto area, everything in part IV refers to the province as a whole.

The amendments address primarily part V of the EPA, which is titled "Waste Management," and part VIII, which is currently titled "Litter, Packaging and Containers." There are also some amendments to part II, "Administration," and XIV, "Miscellaneous," where these parts contain sections that refer to waste management.

The bill contains some housekeeping amendments and some updates on waste disposal powers. These are contained in the sections listed there on the slide. The primary purpose of part IV, however, is not to improve waste disposal nor to deal with housekeeping measures; the primary purpose of the bill is to expand the legal framework for waste management in Ontario.

For many years, we have been primarily concerned about making sure that our waste disposal systems are safe. We have moved from the old dump site to the modern sanitary landfill. In recent years, we have come to realize that safe disposal is not enough. We need to reduce waste and avoid the need to dispose of massive tonnages of waste every day.

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This bill makes waste reduction a primary goal of waste management in Ontario. It does so in two ways. First, for waste in general, the bill provides the Ontario government with explicit authority to study, fund, require and regulate waste reduction activities by the private and public sectors. It also makes it possible to remove time-consuming approval requirements for compost and recycling facilities. These measures are found in section 23 and subsection 33(2).

The purpose of the rest of section 33 and of sections 23, 27, 28, 29 and 30 is indicated by the proposed change to the title of Part VIII of the Environmental Protection Act. That change is to "Litter, Packaging, Containers, Disposable Products and Products that Pose Waste Management Problems." At present, the Environmental Protection Act implies that disposable products are a problem because they sometimes end up as litter rather than going to a disposal facility. The changes recognize that the massive production of products and containers for immediate disposal is in itself a problem. We should not just try to get disposables into safe landfills; we should look for ways to reduce the production and use of disposables.

To understand part IV of Bill 143, it is important to know that this is enabling legislation. It does not in itself produce any regulations. It is also important to realize that Ontario is not alone in enacting such enabling legislation. The Canadian Council of Ministers of the Environment agreed to pass legislation in all Canadian provinces to enable each of them to regulate packaging if and when the targets contained in the national packaging protocol are not achieved by voluntary measures. Manitoba has already passed such enabling legislation; other provinces have passed pieces of it. Ontario is coming forward at this point to produce the enabling legislation that all provinces have agreed to put in place.

When we come to regulations under this legislation, some regulations are necessary just to get the data to discover how we are doing in packaging reduction. Others may be required to level the playing field and to address imports. We are committed to extensive consultation with the interested parties in the development of packaging and any other regulations.

Any such regulations form part of Ontario's waste reduction action plan to which the minister referred in her comments. To fully appreciate that plan, I think it is important to recognize the special character of the current context in Ontario.

As the minister mentioned, in the 1980s, specifically by 1988, which was the peak year that Alex just mentioned, we became the world's champion garbage producers. This was to a large degree the result of our economic history. Canada has a small population on a large land

mass, and Europeans first came here to take advantage of an apparently endless supply of apparently free and abundant natural resources. We structured our industry and commerce to make lots of things quickly and replace them immediately when they start to fail.

This throw-away economy, which is not just ours but exists throughout North America, stands in contrast to our widespread and deeply felt environmental values and our strong tradition of civic cooperation.

We have the world's most wasteful economy, but we also have built already and received worldwide recognition for the most extensive source separation and collection system in the industrialized world. That system for collecting secondary materials from households, our blue box, services our households. We are not nearly so well advanced at the workplace, but we have seen some very significant private sector efforts by companies that have voluntarily undertaken waste audits and waste reduction work plans. We frequently get reports of the achievement of 60%, 80% or even over 90% waste reduction when a specific company really puts its mind to it. The minister mentioned some examples, and I believe you will be able to get copies here of a nice booklet put out by one company, which was mentioned by the minister.

These are good beginnings, but we require much more. We need a complete financial and legislative framework and cooperative, multisectoral strategies that bring the provincial government, municipalities, industries, institutions, commerce, non-government organizations and all the citizens of this province together in a sustained drive to build on our leadership in household source separation and to convert ourselves into leaders in waste reduction systems and 3Rs technologies so that we can have a sustainable and competitive economy.

That is why on February 21, 1991, the minister announced a plan composed of financial and technical systems, outreach and educational activities, the encouragement of markets and strong regulatory measures. Within this plan, we have a number of actions under way. In October, initiatives paper number one asked for comments and suggestions on regulations to strengthen our source separation system and extend it to the workplace as well as to the remaining households, to begin to make composting as important as recycling in our waste reduction habits, to progressively extend the benefits of workplace waste audits and waste reduction work plans to all sectors, to assure that packaging audits and plans for packaging waste reduction are developed by all packagers, as all sector representatives agreed they would do as part of the national packaging protocol, and to streamline the approvals for recycling and composting facilities.

Soon, in conjunction with the Ministry of Municipal Affairs, we will ask for comments and suggestions on two papers that will empower municipalities to play their full role in the conversion of our waste management system to an emphasis on waste reduction. Other areas include data collection and analysis, which is increasingly important and complex. When you put all the garbage and mix it all together in the landfill, there is not too much to study except raw tonnages. When you are concerned about get-

ting things out of garbage and back into the economy as secondary materials, you want to make sure it is clean and well segregated, and you need much more detailed data. We are working together with Environment Canada and Statistics Canada and with business associations across the province to try to make sure we can get the right sources of the right data so we can track how well we are doing, discover which programs are working well and make any corrections that are needed along the way.

Another area, of course, is public education through the media, through practical action and through involvement in the development of our new systems. This is going to be absolutely critical to our success. Especially critical is the creation of the collection, processing and industrial infrastructure that is necessary to build strong secondary materials markets. We are working with all the sectors involved to develop and implement what we call close-the-loop strategies. If you think of the arrows in the recycling symbol, they go right around. If we look at each material, we find they do not go right around completely with the same strengths for each material. There are gaps. There are some places where there are weak points in the arrows. That is what we are trying to identify and where we are trying to work with all the players to make sure we can strengthen the arrows so that there are full loops wherever possible with materials. Some of the areas we are beginning to work with in the different sectors are mentioned there on the slide, and we will move on to others as we are sure these are well attended.

In addition to this, as the minister mentioned, we are completing the preparation of options for financial systems that will help nudge our economy so that our economy itself drives us towards waste reduction by making disposal unattractive. I realize that many of you might think the price being charged for disposal in the greater Toronto area today already makes it unattractive, and that is completely the case.

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The point is that this price was not arrived at through any kind of clear analysis of what the price should be or its relation to the rest of the waste management system. It may be the right price, it may have to be a little higher or a little bit lower, but we have to think about that and we have to make sure that as a consistent matter of policy, not historical accident, we have the right level of disposal fees.

We have to make composting cheap. A third of the materials that we put into our sanitary landfill sites are materials that should be decomposing. In sanitary landfill they do not decompose. The cells Mr Giffen was just describing are anaerobic and decomposition is very slow. People who go into our landfill sites are able to read newspapers that are 30 years old and sometimes pick out carrots that are 25 years old and still look edible.

This is not acceptable. We have to make sure that the material that can return into the earth does return into the earth and that we begin to develop the systems, if possible in our own backyards and close to the institutions—if necessary, centralized systems—to return these materials back into creating the topsoil we need to continue to produce good food in this province. To do that, we have to make

sure that the composting is cheap. We cannot charge the trees for producing leaves and we should not be charging the farmers for producing food in excess.

At the same time, we have to make recycling self-sustaining. The minister mentioned some of the difficulties about this because of the dropout of aluminum. As we look at what is happening with different materials, I think there is a good indication that as the infrastructure comes into place, the demand for secondary materials increases. Over the long term, we can hope that markets will take care of a large part of this. However, it is the responsibility of those who produce and use things that need the recycling processing to make sure the full cost of recycling is paid.

If this happens, if we have this kind of system in which those are basic financial conditions, I think it will become quite clear that real, significant efforts towards source reduction and towards reuse, just not having waste at all, will be quite attractive. We will not have to use heavy-handed regulations to make that happen; it will happen because of the marketplace.

The options we are producing in this area will be the subject of very extensive public discussion and, I am sure, debate. This is a very quick glimpse at an overview of the plan's objective, simply to indicate the importance of source separation and of recognizing that organics, disposables and durable goods are very different from each other and that different strategies are needed for each of them. This is part of the kind of thinking we all have to get used to as we stop thinking that mixing all these things together and calling them all "garbage" is one constant and simple process.

Why do all this? Is it just because people do not like landfills? No. Much more important, as we have realized more and more widely since the publication of the Brundtland report, *Our Common Future*, is that on this planet natural resources are our capital. They are limited, not abundant. They are valuable. They are not free and not cheap, whatever the Europeans who came to this New World once thought some 200 years ago. They should be used rarely, or fully replaced whenever they are used.

This is because all waste constitutes not just environmental degradation but also economic loss. Waste reduction in Ontario is important because we have a wasteful economy, an inefficient economy. But we also have the opportunity to build on Ontario's leadership in source separation. Not many people realize that we will soon be perhaps the only jurisdiction in the industrialized world that will be able to designate recyclable materials and be quite able to assure a good, clean supply of those materials coming out of almost every household or workplace that uses them.

This is an enormous competitive advantage in the development of secondary resource industry in a sustainable economy. This advantage, if used well, will enable us to export systems and technology for waste reduction. This chart shows part of why we need to reduce our waste. The figures here vary a little bit from year to year. The Canadian figures come from 1988. We are at the top. Our only rivals in garbage production at that time were Australia and the United States.

That graph is important, and I think it needs to be put together with this one. I am sure we are all familiar with this; it is the growth of the human species. It took us quite a few thousand years to go from half a billion people to one billion people in 1750. Between 1750 and the middle of the next century, we are growing 10-fold. Most of the 10 billion people who will be here on this planet by the middle of the next century want to consume the way we do in North America. As I am sure we will be hearing loud and clear from the gathering in Rio de Janeiro later this year, if they consumed at our 1988 rate of waste generation, we would deplete the planet's resources in a very short time. The economic future of our species, if we have one, will be based on energy and resource efficiency.

Japan, because of an historic scarcity of resources, has built a 100-year plan for environmentally efficient economic development. Many countries in the European Community, including especially Germany, because of traditionally high pollution levels—not quite that traditionally, but over the last few decades—have been forced into adopting strict resource and energy use goals. What that means is that because of historical circumstances which we were fortunate enough not to share, these countries have already recognized that resource conservation makes economic good sense. They are reaping the benefits of that realization right now. They have realized that building a conserver society quickly will give them a current and a future economic competitive advantage for the only kind of economy that can possibly sustain a human species of 10 billion people on this planet.

Finally, the answer to why waste reduction is important is because waste reduction in Ontario, based on the development of Ontario's existing source separation, is essential for effective economic renewal.

The Chair: I think that completes the presentation by the ministry. I have a number of questioners. I am going to need direction from the committee. We have approximately 20 minutes from now until 5 o'clock. If the committee is going to want to go beyond that, we are going to need to make that decision. As we divide the time for questions among the caucuses, what I thought I might do is just do one rotation after another and see how much time is available. I would ask each of the questioners to keep the question brief and allow the ministry and the minister, if she wishes, to respond.

Mrs Fawcett: Thank you for the presentation. My question, I believe, would be to Ms Rush on the Interim Waste Authority. Of particular interest to me was the inspectors who will be designated, appointed to go around. When one considers the sweeping powers that they have or could have, enhanced by possibly inspection warrants and police backup and so on, I get a little worried about the rights of the person who owns the land, who may not particularly care that these people are coming to make their visit. I also wonder if maybe once again our farmers are going to be open game. Because, let's face it, that is where the open spaces are and the potential landfill sites might be.

I just wonder if you would comment on the qualifications of these inspectors. How does one get to be an inspector and what would be the criteria used to appoint one of these people? Just generally a little more expanded information on the inspectors.

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Ms Rush: Certainly the inspectors are the responsibility of the authority, and they will be fully trained before they go out. We respect very much the power that would be granted to the corporation through this legislation. The quality of the inspectors is rather complicated, because as we proceed from the long list of sites through to the short list to the preferred site, the actual work that needs to be done changes very much. In the early parts a visual inspection can often be suitable to determine what is needed to be known about the property, whereas when we are moving from the short list to the preferred site it will be highly technical, so the capabilities of the inspectors will depend upon the circumstances we find.

What I can tell you, though, is that the authority is treating very seriously the training of these inspectors in how they will give notification of when they are going to arrive and how they will enter—

Mrs Fawcett: Have the inspectors' criteria been determined now? Do you know what qualifications—

Ms Rush: I can provide it to you later; I do not have it with me now.

Mrs Fawcett: I would appreciate that.

Ms Rush: Yes, we have done a lot of work on that.

Mrs Fawcett: I see. Thank you. Just one other quick one on the leachate collection and so on: I know this is a problem in many landfill sites today. When you were speaking about the one lift on top of the other, is all this taken into consideration? I know that engineered sites now have problems. I can think of one in my own riding where the plume is moving much faster and they cannot collect all the leachate. I am really wondering about those kinds of problems with the expansion of the sites.

Mr Giffen: I am not familiar with the site in your riding, but Keele Valley without a doubt is probably the most engineered landfill site in the world. Because of that, a great deal of attention has been spent on the site right through its design, through its approvals and during its operation.

Mrs Fawcett: Was it really designed for an addition like this?

Mr Giffen: In fact, the addition of a lift will have a net environmental benefit on the performance of the site. As you indicated yourself, it is a very complicated explanation, but the liner that underlays a site is a four-foot-thick clay liner compacted to a very low permeability, a very high density, to retard the movement of contaminants through the liner into the groundwater system. Adding height to the landfill site will add compression or a compaction density on the liner. It will make it denser and in fact it will reduce the rate at which the leachate migrates through the liner. The addition of a lift is not expected to have any negative effect on the liner system.

The Chair: Just for the information of committee members, depending upon the number of people on the list requesting questions, if it is all right with you I will use my discretion as to whether it is one question, a question supplementary or two.

Mr Cousins: I would like, if possible, to have a detailed organization chart of each of the three assistant deputy ministers, giving who is within their organizations and some of the titles that would go on within each of them. It seems to change once in a while. If that could be tabled at a future time during the course of our hearings, I would be most grateful. That is not my question.

As to the comments I make on the last presentation, I think we can all give the doxology on that one because of the need for an understanding of conservation. I am interested in the packaging protocol and whether or not the proposals in part IV of the bill here in Ontario differ in any way from proposed legislation you mentioned—was it in Saskatchewan?—in another province, whether or not there are any differences Ontario has outside of the agreement by ministers of the environment across Canada.

Mr Blackwell: Yes, there are differences. Some of the jurisdictions—Manitoba was the province I referred to—did not have in place anything at all like our Environmental Protection Act. A number of the powers that the ministers agreed to as necessary for all the provinces were already in existence in Ontario in existing parts of the EPA. So the very fact that what is being done in Ontario is amendments to an existing act—rather than as in Manitoba, an entirely new waste minimization act for the province—entails some significant difference. If you wish, we could get copies for you of the Manitoba act. It was passed in 1990, if I recall correctly, and it includes powers that are rather more extensive and rather more drastic than those contemplated here.

I think it is important to understand the relation of this to the national packaging protocol, to make a distinction, however, between enabling legislation and regulations. There is an agreement within the task force—I do not know if you are aware, you probably are, that there is a National Packaging Task Force that has representation from all sectors, from all the provinces, from the many industry groups, from non-governmental organizations and from the Federation of Canadian Municipalities.

The task force has a subgroup which works on regulations. We participated on that subgroup as well as on the task force itself. One of the jobs assigned to the regulatory subgroup was to identify the types of regulations that may be needed. There is discussion now about which pieces of regulation ought to go in place in all cases everywhere and which ones should only go in place when it is clear that there is a particular sector which is not meeting the targets.

Just to illustrate the distinction, there is a kind of generic agreement at that point, at least among the different provinces—I would not be able to confirm this for the task force as a whole until the end of February when the task force meets the next time and hears the report of the subgroup—that we need some backdrop regulations so that people make the kinds of reports to Statistics Canada that

are necessary to find out where we are right now. The basic information is coming in through Statistics Canada. Statistics Canada has the power to require people to report information that they have. It has no powers to require them to get the information if they do not already have it. The kind of regulation that we have included in the initiatives paper one would in effect mean that packagers in Ontario would be required to have that information through Statscan.

There have been a number of comments on the way in which that section on the packaging regulation is worded in the initiatives paper. We are prepared to make some changes to that before the regulation comes down and we have discussed at some length with our counterparts in other provinces on the regulatory subcommittee ways of making sure that the requirements for getting this particular kind of information in are coincident with what Statscan is doing, so we are not forcing people to do double reporting or to fill out one form and another form with the same information. That is the direction in which we want to go at that time.

The other kind of regulation, which is what we are supposed to have, a model regulation ready to pull out of the pocket if needed, is what happens when it is clear that there are people who are dragging their feet and just are not fulfilling their commitments. We hope that kind of regulation will never have to be used, but there is an agreement to have it ready in case it is.

Mr Cousens: On the packaging protocol that was agreed upon by ministers, I am interested in understanding more of what was agreed to by the ministers, to assess where part IV of this bill is taking us compared to what was generally defined in that packaging protocol for the rest of Canada. If there is any way in which the documentation or guidelines or discussions had summary conclusions as to what was going to be brought forward by each of the separate ministers, I would appreciate having that to give me an understanding of where this ministry is going with part IV and how it relates to that and whether or not this exceeds those guidelines in any way that could cause us competitive disadvantage in Ontario, compared to other provinces and jurisdictions.

Mr Blackwell: If the Chair is willing, I would prefer to do that through a package of materials, rather than try to answer at this time.

The Chair: That will be fine. I think it is unreasonable to expect those kinds of responses immediately. By all means, I am sure Mr Cousens would be satisfied with the written response.

Mr Cousens: I will not be able to read it all.

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Mr Wiseman: My question is to Ms Rush. I would like further explanation as to what a schedule 2 agency is, how it is related to the ministry, what powers it has in terms of its decision-making process and how independent it is with regard to those decision-making processes.

Ms Rush: The legislation itself makes us a crown agency. It will be up to a determination, but it is quite clear that we would be a schedule 2 agency. A schedule 2 agency

really refers to the distinction in terms of financial ability. It can be, in our terminology, an off-balance-sheet item so financially it can raise its own revenues, which we are not going to be in a position to do, but it can discreetly acquire money and have its own bank accounts so we will be distinct from the rest of the financial consolidated revenue components of the government. We get a loan from the Treasurer that is considered a line item and then we report against that loan, so financially there is a determination.

It requires that we have a board of directors and a memorandum of understanding. We are given certain flexibility in the hiring of staff and we need not hire a civil servant. Certainly at the moment we have a number of seconded civil servants, but a schedule 2 capability would allow the authority to hire non-public servants, which we have done as well on contract. In terms of both personnel and financial matters, they are really the distinguishing features of the schedule, as well as their purpose. We are not a regulatory agency; we are a business in the sense that we are pursuing a direct opportunity. The Management Board of Cabinet and secretariat have the details of each of the three schedules for crown agencies and we would be happy to provide that to you.

But the primary determinations are financial independence or financial capabilities of the organization, whether it is covered by the Public Service Act and how the personnel are treated, and then the relationships described in the memorandum of understanding and filed with Management Board to make sure that the objects and mandate of the agency, and the roles and responsibilities of all the parties are understood.

Mr Wiseman: My question is specifically with reference to the Interim Waste Authority, the draft approval document and the site selection for long-term sites, and that is with regard to the independent nature with which these sites are going to be determined. I guess what the viewing audience would like to know and what I would like to know in particular is the degree of independence from the Ministry of the Environment that the Interim Waste Authority has in that process.

Ms Rush: First of all, it is the minister responsible for the greater Toronto area who is the shareholder of the corporation, and the Ministry of the Environment, through its regulation, regulates us as any other proponent other than what is specified in the legislation that the Minister referred to in her announcements. We have a very open process. What we have done is use a lot of the proposals that were made in the first environmental assessment program involvement project process, which ultimately upon its consultation will lead to some of the amendments in the environmental assessment process. We are taking those administrative improvements and using them in how we proceed with our proponents.

The draft approvals and criteria document that we published in August set out the entire process that we would use as our proponent under environmental assessment. What we have done is laid out all the criteria for consultation first, and so those criteria are the basis on which we ran the first set of consultations which occurred in August and

September. It is on that basis, after those consultations. It is that set of criteria that will be applied to find the long list. This whole process is one of openness and public consultation, and frankly, we will be very clearly scrutinized through the environmental assessment process if we have a hearing—certainly through the hearing.

I think our independence is set in terms of our designation as a crown agency, and also in the process we have chosen to adopt by going out first and foremost with the criteria so that they are clearly understood, so that we have public consultation on them and then they are applied. Past landfills have come out with the answer and then provided the documentation of how we get there. We are not going to do that. We are going to show you how we are going to get there, get comment on it and I think that form of openness will show that we are a proponent that is certainly following all the principles of environmental assessment and that we are not subject to any undue influences.

Mr McClelland: I am not sure to whom this question should go. I will leave it to your discretion who responds.

Notwithstanding the fact that Bill 143 is confined, in this first instance, to the greater Toronto area, I think a lot of people are interested in the potential implications of waste management across the province. Can you give us some data or some numbers, if you have them available, on how many other landfill sites within the province are within one year, two years, three years, four years and five years of hitting their capacity. If we could have those numbers, I think that would be helpful.

Another comment: I can direct this directly to Mr Blackwell, but certainly anybody else who would like to can comment. We see waste as a natural resource and I think, to a large extent if not entirely, we would want to equate what we have previously called waste to a natural resource. If we are operating within a closed loop, I am wondering if you can give me any objective basis why we would treat waste as a natural resource different from other natural resources. In other words, if waste is a natural resource, and natural resources are natural resources, why would we choose to treat them differently?

Mr Blackwell: It is a very good point, and part of what I think we are doing is trying to move out of a situation in which we have—if I could put it perhaps a little bit flippantly—been operating in a system in which we assume each one of us has the divine right to define as waste anything we want to call waste. If I put some things in a waste-paper basket they are waste, and if I were to take them out of the waste-paper basket and put them on your desk, you would be insulted. If I did not put them on your desk via the waste-paper basket, you would not be insulted. That kind of thinking, which we have really trained ourselves in, I think is part of what we have to get away from. It involves changing the way we have structured many parts of our society: our economic systems, our thinking, our ways of relating to each other and our legal structures.

At this time, if you wish to establish a facility for receiving materials collected through the blue box, making sure they are cleanly separated and labelling them before ship-

ping them off for remanufacture, you have to apply, under the Environmental Protection Act, to get a certificate of approval for something that would be called a waste disposal facility (recycling).

Part of what is involved in the changes we are proposing now is to give the minister the authority to deem facilities as having certificates of approval if they follow through on particular guidelines. Part of the initiatives paper, which we have been receiving quite favourable comments on—at least on this part of it; there are some other parts that are not quite so favourable—is an outline of the procedures and a list of guidelines of what kinds of requirements there would be for a facility to be up and operating simply to process materials. That is in the case of those materials which require further processing and sorting. If, however, the materials are simply received into an industry which is using them as raw material for manufacture, they stop being waste entirely and are not defined as waste. We are trying to move into a situation in which the fact that you put something out on the curbside does not mean it is therefore waste, but rather is part of our industrial and economic system.

I think we have to understand just how deeply this is ingrained in our legal system. I am not talking about an antediluvian period, I am talking about three years ago. If you put something on a garbage truck in the city of Toronto, it became illegal to take it off. Scavenging was illegal. If you put something in a garbage truck in downtown Toronto headed for the Commissioners Street incinerator—I have seen this happen at the Commissioners Street incinerator. I watched as brand new toys—one that really struck me was a Barbie doll, still in the cellophane package. A worker had set it aside from the hopper. The supervisor came by and put it in the hopper. It was illegal to do anything with that Barbie doll other than burn it. That is the extent we went to to try to make sure that waste was treated as waste. How did things become waste? Because somebody put them where there was a waste receptacle. Curbside meant waste receptacle. Part of what we are doing now is moving away from that, and that is part of what this legislation is all about.

Mr McClelland: Do we have time for another quick one?

The Chair: We really do not, Mr McClelland, it is 5 o'clock now. Perhaps the minister would like to make a comment and then we will adjourn.

Hon Mrs Grier: I thank the committee members for their attention and questions. I hope we have been able to give some flavour of the complexity of the situation as well as the degree of thought and analysis that went into the decisions and policies addressed in Bill 143. I know we will have a lot of good discussion and comments as we go over the next couple of weeks.

I want to draw your attention to the briefing book we have provided. Tab 3 is the initiatives paper Mr Blackwell referred to. If people are concerned, as I know Mr Cousens obviously was, about its compatibility with the national packaging protocol, that is the section to look at. The others are backgrounders and some facts

that support the presentations we have made, so people may find that helpful in formulating questions. We will attempt to provide the committee, as we go through the process, with the documentation requested as quickly as we can.

We look forward to the results of your deliberations.

The Chair: I appreciate that. I understand from the minister that she will be here just before the clause-by-clause deliberations and that the parliamentary assistant, Mr O'Connor, will be carrying the legislation through committee.

For the information of committee members, the clerk will be presenting at the beginning of each day the new agenda with any changes in it. I would point out one change: Pollution Probe will be January 22 at 4 pm, and Work on Waste will now be on January 23 at 11 am. Those

two have swapped their appointment times. If you want to note it on your agenda, you may.

I will try to point out any significant changes in the agenda in advance for committee members, if that is possible, but the agenda will be made available probably at the start of every day's hearings so you will be familiar with who will be appearing.

I want to thank all committee members today and those presenters in attendance at the committee hearings. I think we have got off to a good start and I know the ministry officials will be available throughout the hearings to answer questions committee members have, verbally as well as in writing.

The standing committee on social development now stands adjourned and we will reconvene tomorrow morning at 10 am.

The committee adjourned at 1702.

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First Intercession, 35th Parliament

Official Report of Debates (Hansard)

Tuesday 21 January 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

Première intercession, 35^e législature

Journal des débats (Hansard)

Le mardi 21 janvier 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
Clerk: Lynn Mellor

Présidente : Elinor Caplan
Greffière : Lynn Mellor



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Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday 21 January 1992

The committee met at 0959 in committee room 1.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

ST LAWRENCE CEMENT

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, LOCAL D366

REFUSE DERIVED FUEL ENVIRONMENTAL ASSESSMENT STUDY GROUP

The Chair: The standing committee on social development is now in session. I would like to welcome everyone this morning. We are beginning public hearings on Bill 143.

The first presenter this morning is St Lawrence Cement, Local D366 of the International Brotherhood of Boilermakers and the Refuse Derived Fuel Environmental Assessment Study Group. Would you begin your presentation, please, by introducing yourselves. You have one hour for your presentation. The committee has requested that you leave half of your time for questions from committee members; however, the full hour is yours and you may use it as you wish.

Mr Coles: Thank you, Madam Chairman. I appreciate the opportunity to be here today and to make a presentation to you on Bill 143. My name is Charles Coles. I am the general manager of St Lawrence Cement in Mississauga. Speaking on the panel today as well is Dr Rodger Schwass, professor of environmental studies at York University; Mr Ross Stone, president of the union at our plant, and Mr Ed Mattocks, international representative for the Cement, Lime, Gypsum and Allied Workers Division of the Boilermakers at St Lawrence Cement.

I believe you have received a number of copies of this binder, presented to all the members, and there are additional copies of these binders available. I am going to be referring to the information in these binders during my presentation, so if you can keep them handy that would be most appreciated.

The Chair: All members have received them and the clerk will ensure that they are part of the public record. If you have additional copies that you would like to leave with the clerk, you may. If anyone needs an additional copy, I am sure he can contact you directly.

Mr Coles: That is right. We have lots available.

We intend to make our presentation approximately 30 minutes and that will enable enough time after our

presentation for any of the members to ask questions of us or of the other people we have present here. There are a few introductions I would like to make at this particular time, people we have here as resources to help answer your questions.

First of all, Dr George Carlo is here. Dr Carlo is chairman of the health and environmental scientists group in Washington, DC. He is here as an independent adviser. He is chairman of the scientific advisory board reviewing use of waste fuels in cement kilns in the United States, particularly the health and safety aspects associated with that. Dr Carlo can answer any questions and would be available at any time to the committee.

Dr Fred Hopton is vice-president of environmental and materials technology at Ortech International Ltd, Ortech having been involved in our particular project with a lot of the technical information that you see in your binders today. Also, Dr Frank Hooper from the University of Toronto is here. Dr Hooper is one of many experts on incineration and is available as well.

We also have with us members of our project study group. We are going to be talking about our environmental assessment process today and an important part of that environmental assessment process is citizen participation and municipal government participation. There are three individuals who were chosen from the community liaison committee to be present on our study group as we develop the project. They are here today: Cathy Buchal, Keith Flowers and Wal Vanriemsdyk. They are the citizen members of that.

As well, we have representatives from Proctor and Redfern Ltd, well known as a consulting group for various waste projects in the greater Toronto area.

St Lawrence Cement makes cement, and you are probably wondering why a cement company is here today. Cement is a basic commodity. Without cement, our construction and a lot of what we enjoy in our normal, everyday way of life would not be here. You probably walked down to your basement this morning and you encountered concrete, either a concrete floor or a concrete wall. If you took the subway here, the subway trains travelled through a tunnel constructed of concrete. There are sidewalks and roads constructed of concrete as well. It is a basic construction material and it is important in our everyday way of life. However, concrete does not exist if you do not have cement. Cement basically is a powder, and concrete is produced by adding cement together with sand and stone and water.

In the production of cement we use coal. In fact, we use a lot of coal. The coal we use at Mississauga amounts to approximately 250,000 tonnes per year. It is imported from the United States. That is a closely controlled process where we actually burn limestone in a kiln. You can see an

example of part of that process, not the equipment but the control room at our plant. A central control room at our plant, and we have an example of it here, basically controls the entire manufacturing process, and you can see that it has the latest in computerized and programmable logic controls.

The RDF project for which we have been going through the environmental assessment would replace up to 20% of the coal and it would produce fuel from post-recycled waste. That would replace up to 20% of the imported coal in our manufacturing process. The study group, together with Dr Schwass, has been working on this particular project. Over the more than four years that we have been working on this project, we have written and have had written many reports, all of which have been approved by the project study group. We brought some of the reports in today. This is about 10% of the reports that we have prepared in developing this particular process. We have been following the Environmental Assessment Act scrupulously and the environmental assessment is almost complete.

What we are here today to do is to request a small amendment to Bill 143, because we feel that Bill 143 in its present state could not permit our process to continue. We would like to make the amendments to allow bringing the project to a hearing.

The project, as I mentioned, is using post-recycled garbage to replace imported coal in the cement manufacturing process. This would reduce fuel costs at our cement manufacturing facility. It would also reduce the garbage going to landfill in Peel by approximately 50%.

We are not here today to ask you for approval of our particular project. That should be done by the Environmental Assessment Board in the process which we are going through. We are not here to have you consider an unproven technology, to consider a project without a full review of its environmental impacts or to expedite a project at the expense of due process, without the participation of neighbours, municipal and provincial politicians or scientific and technical experts. You may ask, why are we here? We are here because replacing imported coal in the cement manufacturing process is a viable and environmentally sound method to reduce garbage going to landfill in Peel.

You see the diagram of the Britannia landfill site. That is going to have, by means of this act, two additional lifts put on it. Our project basically would reduce the amount of waste going to that particular landfill site by 50% if it were approved by the Environmental Assessment Board.

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It is a project that is in harmony with the 3Rs, because what we are doing is taking waste that is post-recycled. How that would work is that the garbage that is picked up from the home owner has already been separated by the blue box program, which has been most successful in this province and in the GTA. Rather than the remainder of the waste being trucked directly to the landfill site, it would be trucked to a processing plant that would be built adjacent to our plant. That plant would remove additional recyclable materials and then the remaining waste would be separated into burnable and non-burnable fractions. The burnable fraction would be used as fuel in our manufacturing process to replace some of the coal that is imported from the

United States; the remainder would be further separated to remove compost material.

We are concerned that Bill 143 could eliminate what we feel is the best interim solution for helping to solve the amount of waste going to landfill. In our minds, if it can be done in an environmentally sound manner and if it does not impact the 3Rs program, it makes sense to recover the burnable portion of waste and use it as fuel rather than bury that in landfill. Yesterday the presentation was made that we should look at garbage as a resource and I think that is really true. Why then do we not take out what can be used as fuel and replace coal and use that in the cement manufacturing process?

The bill inhibits our ability to compete. The cement manufacturing industry throughout the industrialized world uses waste fuels, and to compete we need to use them as well. We would be developing a technology which could be further utilized in Ontario and exported throughout the world. We have participated fully in the EA process and we are concerned that Bill 143 threatens our proceeding.

As I mentioned, the project we are talking about and that is presently going through the EA could reduce the amount of waste going to landfills by 50% and could remove the fuel value from that. Actually I have here two examples. I will pass them around. One is an example of refuse-derived fuel; the other is coal that would be replaced. This amount of refuse-derived fuel would replace this amount of coal in our manufacturing process. As I also mentioned, we are burning approximately 250,000 tonnes of coal per year at our plant in Mississauga. We would replace 20% of that coal by RDF. Perhaps you could pass those around.

If you turn to tab 2 in the binder, we have a graphic display of what the situation could be in Peel with respect to the amount of waste being landfilled. On the left-hand side you see the current 3Rs separation and the amount of waste then going to landfill. Eventually, with better recycling, more source separation, also reduction, basically the 3Rs, the amount going to landfill will be reduced to approximately 200,000 tonnes per year. That is the projection.

If we took the waste that was going to landfill to a separating plant where the fuel portion, rather than being buried, could be removed and used in our manufacturing process in an environmentally sound manner, it would reduce further, by 50%, the amount of waste going to landfills.

If you turn to tab 3, it will give you an idea of the cement kiln itself. The reason wastes are being used in cement plants really everywhere throughout the industrialized world is that cement is a large user of natural fossil fuels, and in our particular case it is imported coal. This diagram shows you the cement kiln and you can see the coal being fired at point 2. You have extremely high temperatures there. What you are looking at is temperatures in the range of 1700 to 2100 degrees Celsius. If you compare that to the incinerator presently destroying PCBs at the Smithville site, that is operating at approximately 1200 degrees Celsius with a retention time of two seconds. This has a retention time of 7 to 10 seconds.

In addition to that, what we are doing in the kiln is burning limestone. So what you have added in our particular kiln is approximately 6,000 tonnes a day of limestone

going through the heat-exchanger tower. That in fact absorbs many of the emissions that would otherwise be taking place from the combustion of the coal, and they actually become part of the product.

In addition, in the cement kiln there is no ash as you would have in a conventional incinerator. In the cement kiln, as with coal or anything else we use as fuel, it becomes part of the cement we produce and so there is no toxic ash to dispose of. The residues from combustion are actually combined in the chemical structure of the cement.

If you turn to tab 4, we have an example of the emissions that are of concern if you are dealing with an incinerator. In this particular case you can see the emissions expressed as a percentage of the ministry guidelines or standards. You can see that they are really all at extremely low percentages of the allowable. In fact, the highest emission is nitrogen oxides, NO_x, and that is because we have such high temperatures in the process. Even there we are only at 4% of the ministry's standards. In other words, even if you had 24 cement plants of our size operating in one place, you still would be below the ministry standards.

Tab 5 discusses refuse-derived fuel versus incineration. The ministry presented a sheet yesterday that explained incineration and none of the points made in that sheet apply to the cement manufacturing process. We are not here today to talk about the conventional incineration that particular document describes. We are talking refuse-derived fuel and the replacing of coal in a manufacturing process. Tab 5 explains that.

In addition to that, one of the main points, I think we are all agreed, is that we want to maximize the 3Rs program. Any program or any project that infringes on that does not make sense. I think we have come a long way. In fact, we probably lead the world in Ontario with respect to the 3Rs. In our particular project we do not want to infringe on that and we do not want to be in competition with the 3Rs. That is why we actually would encourage the 3Rs.

Rather than taking material that could be used as fuel and landfilling it, you would take it to our plant and we would produce a fuel, thereby reducing the amount of waste going to the landfill site by approximately 50 per cent. The capital expended, which is one of the concerns if you go into incineration, is not as large in a project such as ours because basically we are building a sorting plant, not a complete incinerator. Also, I mentioned the air emissions and the ash previously.

If you go to tab 6, this is one of the most important aspects of this project, certainly from our company point of view, and it is the reason that we have some representatives here from our employees as well. The Premier is going to be addressing the province tonight on the economic situation. The cement industry in this province at the present time is very healthy. We are healthy because we have a modern industry that is up to world standards and we can compete. We can compete very effectively with the United States and Europe. But that will only continue to exist as long as we can use fuel that is competitive as well.

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The cement industry in Ontario represents an industry with a value of product of about \$400 million, 1,200 direct

jobs in cement plants in Ontario and about four times that, or 5,000, in indirect jobs. If you look at the concrete industry, which is the subsidiary part, basically our customers, that is an industry that has a value in the construction of roads and concrete products of about \$1.5 billion.

In our cement plant, the most important and the most significant cost is fuel cost. As I mentioned, we have a very up-to-date industry right now. Thirty per cent of what we make in Ontario is exported to the United States. However, throughout the industrialized world, wastes are used in cement plants. The reason they are used in cement plants is, first, to destroy wastes in an environmentally sound manner and, second, to reduce the consumption of natural fossil fuels.

This technology is used in Norway, Sweden, Germany and most recently throughout the United States, even in states such as California and Washington. If the industry in Ontario is to survive and stay competitive, we need to use that technology as well. We are not asking that there be any compromise with respect to the environment in doing that.

We have here representatives of our union. This is not their first job, and they are not experienced at giving public presentations, but I would like to call on Ross Stone now to add his perspective to the importance of the particular issue of competitiveness.

Mr Stone: I am here representing the workers at St Lawrence Cement as president of Local D366, Cement, Lime, Gypsum and Allied Workers Division, International Brotherhood of Boilermakers. I want to tell you three important things about the RDF project. First, we support the waste-derived fuel burning in the cement kilns. Second, we feel it will provide job security. Third, it will make our industry more competitive.

As president of the union local, my main and number one priority is job security. My second is safety and health at the workplace. In our last contract settlement, which we have just finished negotiating after twenty-some-odd days of negotiation, and without the help of a mediator I might add, we agreed to provide the maximum amount of flexibility in the work assignment as a measure to improve competitiveness.

Now we feel it is up to management to do its share, to cut its costs. Labour is only one component of competitiveness. Energy costs, we feel, can be reduced, they must be reduced and should be reduced. Capital investment and management commitment to reducing overhead are of course also needed, but if the government ties our hands as we seek ways to make our industry more competitive, then all of our efforts are lost. Our jobs are gone. We become another statistic, an unemployment statistic, a job-gone statistic, a company-gone statistic.

The union's membership sees ways daily in the plant of the company's commitment to environmental controls. We install them, we maintain them and we operate them. I see no reason to believe that the RDF project workplace will not be a safe and healthy one. I would like to invite you down to the plant just to see the magnitude of this claim, the heat involved, the controls needed to run it. I think you would be amazed at what it takes to make cement.

Mr Mattocks: Our international union in August 1991 in Las Vegas unanimously passed a resolution to use waste-derived fuels in the cement kilns in the US and Canada. The daily papers we read here every morning report on plant closings, jobs lost, and a lot of these jobs are going to other countries. We compete with other plants in Ontario, the US and Europe that are allowed to use waste-derived fuels, and they produce more cement with fewer men. In Ontario, the Lafarge cement plant at Bath employs 60 people. Bowmanville, that up-to-date plant you see when you drive on the 401, is run by only 90 people. In Woodstock, they have a plant that only runs 49. In Mississauga, we have 183 primary cement workers in the St Lawrence plant, not including the salaried workers.

The RDF project that we are talking about here today could create 50 more jobs at the St Lawrence plant in Mississauga. Now we cannot afford to give up 50 jobs, but if we cannot compete with the other plants, we may end up losing the 183. The company has to find ways to reduce the costs without eliminating jobs and the use of RDF seems to be a major way this can be done.

Cement manufactured in Cyprus, Egypt, Greece is coming into Ontario right now. Down in Oshawa there are two beehives down on the lake bringing cement in from Cyprus. Up in Owen Sound two silos built just last summer on Georgian Bay are bringing cement in from Greece produced with this supplementary fuel program. The finished product they have is being sold right here in Toronto. When you go down to Beaver or down to any of your local stores where you buy a bag of cement, it is there.

Our waste in southern Ontario—from Burlington where I live that I know of—is going to the US and helping make cement that is coming right back here. They are selling it at a cheaper price than we can make it here in Mississauga. Mexican cement is not far behind. That is the rumour. It is coming.

I would ask you to look very carefully at our amendment. You may be saving our industry here in Ontario and the rest of Canada.

The Chair: The members of the committee are not experts in some of the terminology you are using. With the wish of the committee, if from time to time there is some terminology that I think, if you are watching, might need some explanation, I will ask you to put that on the record. You referred to beehives?

Mr Mattocks: Beehive. If you notice your local sand places around town, they will have a beehive they store stuff in. It is not the proper place to store cement, but that is what they are using in Oshawa right now until they build silos.

Mr Coles: As I mentioned, we are approximately 90% through the environmental assessment process. Dr Rodger Schwass has been the chairman of that particular process, and I would like him to make a presentation on what we have done so far with the project.

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Dr Schwass: I will be very brief. The gist of my concern is that a process as important in Ontario as the environmental assessment process can be aborted in this way at a very late stage. I think that is a very bad signal to send out.

We have been working for close to five years. The study group was set up in March five years ago. It consists of three community liaison representatives to whom you have been introduced, and four regional and area municipal staff, the senior people from Halton, Peel, Mississauga and Oakville. You can see it in the next section of your material. In addition, we had a community liaison committee which brought us in touch constantly with six different ratepayer organizations, and others at intervals, because we would have community meetings quite frequently to make sure the community was beginning to understand the nature of the project and its implications within the region.

The project steering committee and consulting team consisted of some of the best people in Canada and internationally. We had Proctor and Redfern as principal consultants. Ortech International, as many of you know, is the Ontario Research Foundation. It is Ontario's version of the National Research Council. It is an independent body at least partly supported by government, created back in the 1920s. They have done all the air emission and other studies. Then we have had Holderbank Consulting, which is an international company specializing in cement plant technology. So we have had the very best expertise.

This process has gone forward, and all we are really asking for is the opportunity to complete the environmental assessment process, which ought to go to hearings this summer. I should mention that the materials have all been circulated to the various ministries and have been returned to us, sometimes two or three times, for corrections, amendments or additional research. All of that has been done.

One of my colleagues, not on this project but at the faculty of environmental studies at York University where I have been for 15 years, said, "In a modern, democratic society, legislation designed to prevent the consideration of something should be very rare indeed." We feel this legislation is designed to prevent even the consideration of the use of refuse-derived fuel. We think that is inappropriate in a democratic society.

Mr Coles: In conclusion, what we are asking from this committee is that you not legislate out of existence a world-class technology which can help us manage our waste and keep our industry competitive at the same time.

If you turn to tab 9, on the back page, we have presented the amendments we feel are necessary to this legislation to prevent it from negatively impacting our particular environmental assessment project. As Rodger has said, basically what we are asking for is that we be allowed to continue and complete a process we have been working for almost five years to develop. These are the amendments we would like to ask you to consider.

There is just one other point I wanted to make. Before these hearings are completed, we know you will hear many delegations telling you that combustion is bad. We see people on your list like Paul Connert and Barry Commoner, who have done well in the United States making speeches, where they put words "combustion," "cancer," "babies" and "death" all in one sentence.

I cannot come back and speak to you on this particular subject. We have Mr Carlo here today, and other people who can answer questions on this particular subject. It is

not necessary to come back, because this forum is not the place to find out the truth about the merits of combustion. The place to find that out is in an environmental assessment hearing. Through intervenor funding, St Lawrence Cement will pay the cost to bring all people, be they anti-combustion or pro-combustion, to a hearing where that particular subject can be studied in depth.

We are here today to ask that the environmental assessment process be allowed to work and that we get a fair hearing. That is all we ask.

The Chair: Thank you very much for your presentation. Yesterday I announced that the rules for the committee would be that the remaining time following a presentation would be divided equally between the three caucuses, and we would rotate for questions until each caucus had used up its time. For committee members, if one of your members uses all of the time, the rotation will be between the other caucuses for the time remaining.

Mrs Marland: She is here today. She has asked to question; however, she is not formally a member of the committee. I must ask Mr Carr if he will yield to Mrs Marland so she may ask her questions.

Mr Carr: Yes, that is fine.

Mrs Marland: The reason I am here is that St Lawrence Cement is in my riding and I think it is important that some of my questions are answered before the committee.

I know you have said this legislation threatens you from proceeding. You have also now told the committee that you are 90% through the environmental assessment process. Is it accurate to say that the response to your draft EA document so far by the Ministry of the Environment has been quite critical in some areas of your proposal?

Mr Coles: There were a number of points in our draft environmental assessment document that were questioned by the Ministry of the Environment. We had meetings with the ministry and we subsequently prepared study document 8, which addresses all the concerns. That study document has been circulated widely. I think you have a copy as well, and the ministry has a copy. We have not heard to the contrary that this particular document does not address all the concerns the ministry has.

Mrs Marland: You say you do not want to be in competition with the 3Rs.

Mr Coles: That is correct.

Mrs Marland: Yet some of the items in your refuse-derived fuel are items that can be recycled. For example, I just found a piece of aluminum. Aluminum is recyclable. When I looked at it, I thought perhaps it was silver paper, but it is aluminum. I think at one point you were offering to burn cardboard for the Ford plant. Obviously, cardboard can now be recycled. The concerns we have about your proposals are very evident to St Lawrence, and obviously some of these concerns will come out in the EA hearing, as you have said.

Also, I would like to ask you if it is true that you are currently in violation of a control order from the Ministry of the Environment in your operation, in manufacturing cement, not burning RDF.

Mr Coles: No, we are not. We are in compliance with the control order that was issued. There was a control order issued last year with respect to a number of parts of our operation which has been addressed except for the area of opacity. The ministry has agreed to a stay on that particular area because of the necessity to clarify the technology that will solve that particular problem. The ministry had suggested a baghouse. We have had many examples throughout the United States and Europe where baghouse technology did not solve an opacity problem. Consequently that is under review and we are presently making a lot of effort to discover some technology that will solve this problem.

Mrs Marland: But you are out of compliance with the opacity?

Mr Coles: That is right. We are in compliance with all aspects except the opacity, the colour of the plume that comes from our stack. It was the ministry's belief that this opacity was due to particulate in the plume. We have subsequently proven it is not due to particulate in the plume.

Mrs Marland: You said you can only compete if you can use the same fuel as other people use, and you have passed around a sample of coal here. Do you not burn oil at St Lawrence Cement also?

Mr Coles: No. Our primary fuel is coal. That probably makes up in excess of 90% of our fuel consumption. We burn oil when we are starting the kiln. Until you get temperatures that are high enough to start the coal, we add oil to bring it up to proper temperature. In addition to that, we use waste lubricating oil, which we have a certificate of approval to use and which we have used since the mid-1970s as a waste fuel. We also use chlorinated solvents as a waste fuel to some degree, limited but to some degree.

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Mrs Marland: How would you address the concern of having recyclable materials still appear in the refuse-derived fuel at the end? If you are going to pick up a domestic waste stream, which is your proposal at least as I understand it, at least in Mississauga, where you have all kinds of uncontrolled materials in the garbage that is at the end of everybody's driveway, including plastics and paint cans and everything else because not everybody is very conscientious about recycling at the curb, how will you control this kind of sample getting through your RDF?

Mr Coles: We really want to have a program that dovetails with the 3Rs program. This is what we would do with respect to that. First of all, the waste that would be coming would be waste that would be destined for landfill, so if in fact there is aluminum in it, that aluminum would have gone to landfill in any case. But it would come to a processing plant. What we would be able to do is to remove additional recyclables like that aluminum and other things that would be missed by the blue box program. Then only the residue from that, even after you have separated the compost material, would go to landfill.

There would be a concern, and I think it is a legitimate concern, that we would not operate the plant in a manner that would maximize the amount of RDF and not take out the recyclables. I think that is a legitimate concern. We

would be prepared to have some citizen involvement in the management of that plant or in overseeing that plant so in fact it could be assured that we were achieving the maximum degree of removing further recyclables from the waste.

Mrs Marland: The final question I have is, is it fair and is it factual, Mr Coles, to ask you if it is not true that at present the Ministry of the Environment is not willing to support your proposal at the environmental assessment hearing?

Mr Coles: We have no indication that this is the case. I think you would have to ask the Ministry of the Environment that. I could not comment on that. We have submitted all the documentation to them. What we are asking for is to go forward to the environmental assessment process. That is our plea, that the legislation not prevent us from going through the environmental assessment process. I think that is the process that has been passed by the legislators in Ontario and that is the place to debate the merits and non-merits of any particular project. That is why we have taken so long to develop our process and have really tried to work within not only the act but the spirit of the act.

Mrs Marland: The Ministry of the Environment passed the prohibition on incineration of municipal solid waste after the proposal came forward from St Lawrence Cement, so I think they are well familiar with it. We certainly have had comments made publicly by the Ministry of the Environment, by the representatives that have been dealing with their proposal, that they do not support it currently.

The Chair: Thank you, Mrs Marland. You have used the full time allotted to your caucus. Ms Haeck?

Ms Haeck: I would like to thank Mrs Marland, because in some respects she has addressed some of my questions.

In looking at your presentation, tab 9, part A, on page 8 it says:

"Some kinds of garbage will be with us for some time yet, ie, soiled paper and boxboard, mixed plastic resins, waxed and coated paper products like milk cartons, grease-soaked containers etc. RDF can help take pressure off landfill and close the garbage gap."

As Mrs Marland I think so aptly pointed out, some of this can be recycled, boxboard in particular. In that bag Mrs Marland happened to find aluminum, but in looking at it I thought I saw bits of plastic. What really in fact is in the bag that you have circulated for us to look at?

Mr Coles: That is a sample of RDF from a European sorting plant, so I could not tell you exactly. I visited the plant and that was a sample I picked up when I was there.

Ms Haeck: I guess what my concern really comes down to is that you refer to it as a "burnable fraction" after having gone through some sort of sortation. But what really is going to be burned?

Mr Coles: Basically you would be looking at plastics, coated papers, things like that, where there are not methods to be recycled at this particular time. I cannot tell you the details, but it is that sort of thing. Basically, from the studies that Proctor and Redfern have done for us we projected a 70% level of recycling, which in fact improves the quality

of the RDF for us, and at that point there was still sufficient material in the waste stream to produce a useful fuel for us.

Ms Haeck: In looking at some of the other documentation that we have managed to collect—this is one of your RDF Study News, volume 1, number 1; I am not sure what year this actually came out.

Mr Coles: I believe that was 1988.

Ms Haeck: It was 1988, okay. That is the librarian in me; I tend to look for dates. About refuse-derived fuel, you again talk about paper and light plastics and you refer to the fact that there are 88,000 to 178,000 tonnes of residential waste that could be processed annually. Looking at this in your comment, in reality you may be having to sort that amount of garbage, which could be considered admirable, but by the same token much of it is either going to have to be diverted to landfill or you are going to have to find some recycling method. How much coal is this actually going to replace? You are actually going to end up with a relatively small amount of material that ultimately could be burned. Am I correct in that assumption?

Mr Coles: Yes, you are correct in that assumption. If you look at the tonnages in that particular flowchart, we project that by taking in, receiving at our plant, 250,000 tonnes per year of the waste that would otherwise be destined to landfill, we would obtain approximately 100,000 tonnes of refuse-derived fuel. That would then replace in our process approximately 50,000 tonnes of coal.

Ms Haeck: You would actually be bringing this from much farther away, though, would you not? Mississauga or some of the other areas are not going through major 3R projects. Pulling in that amount of waste to get down to the amount that you are going to be able to burn, you will have to be transporting a rather large amount of waste throughout the province.

Mr Coles: No. The projections we have done are that the waste would come from Mississauga south of the 401 plus Oakville. This project encompasses Halton as well.

Ms Haeck: Those communities now are actively involved in 3R projects, are they not?

Mr Coles: That is correct.

Ms Haeck: We are not assuming also that, say, technologies are at a standstill in the items that are going to be recycled or reused, that they are not in fact going to come on stream and basically reducing the amount of garbage throughout the system?

Mr Coles: We projected in that particular waste shed—it is in some of the study documents and it was done a number of years ago. Basically, that waste shed, Mississauga south of the 401 plus Oakville, which is in Halton region, and assuming a 70% level of recycling, gave us those tonnages.

Ms Haeck: Shall we say I am sceptical? I will turn to some of my other colleagues here because I know they have some questions.

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Mr McClelland: Thank you for being here, gentlemen. I have a couple of opening comments, if I may. You were

very diplomatic and appropriately so, Dr Schwass, having gone this far in terms of environmental assessment, 90% complete. I do not know how much money was invested by yourselves and in fact other people involved in the process. At this point in time the whole process is perhaps in jeopardy.

You say it is inappropriate. I think quite frankly it is outrageous that at this point in time—I will cut right to the point here—a minister, who spoke in terms of process and a government that talked about process and said it was fundamental to the environmental integrity of projects across the province, would not live and abide by the rhetoric, if you will, and the principles that were established in terms of giving any project the closest possible technical scrutiny, and then, having done so, made the decision either for it or against it by independent people. At the same time, the great irony to me is that a landfill is being ordered to be expanded miles away in very close proximity to where you are, with absolutely no public hearing whatsoever.

On the one hand, a project that has complied, as you say, not only with the letter but with the spirit of the act, some 90% complete or beyond, is in jeopardy. On the other hand, in close proximity, the very same ministry and minister are saying, "We are going to go ahead and do something that has clear downside implications in terms of the environment and has a clearly negative impact on the people of that community in terms of costs and the environmental integrity of that community with no hearing of any kind." I do not find that inappropriate, sir, and I appreciate your diplomacy. I find it absolutely outrageous and beyond comprehension that anybody who is objective and reasonable can rationalize that position.

Having said that, there are a couple of questions I want to put to you. It will be argued that incineration feeds a wasteful attitude, that incinerators have a voracious appetite for waste. How would you respond to that, either Mr Coles or Dr Schwass, in terms of that statement with respect to your project, I mean, in regard to the fact that you said we are not appropriate, in terms of the time available, to look at all the technical data that would be available? Just in terms of that statement on its face, "Incinerators have a voracious appetite for waste," and your project, how do you reconcile those two statements?

Dr Schwass: I think you have to distinguish between incineration for its own sake, which is simply a disposal technique, and manufacturing processes which inevitably require heat for the conversion of one material to another.

Charlie Coles has described the role that cement and concrete play in our lives. For anyone to begin to suggest that we would stop making cement in Ontario, or stop making steel, or stop making any of the manufactured goods on which we depend simply because they require the consumption of fuel would be outrageous, and yet that seems to be the minister's implication.

What we are talking about here is not incineration, but fuel substitution. It is the substitution of a locally produced waste product, which we believe to be safe, for an imported, relatively high-sulphur coal brought in from West Virginia, a strip mine. From an environmentalist point of view, this is the better process as far as we can see.

I would like to turn back to your earlier point about the remarkable situation of these subdivisions which have already been laid out around the Britannia landfill site, as you can see, right up to the border of the landfill site. These will presumably continue to be developed, unless the government plans to pay compensation to the owners of the land. If you can imagine adding 200 feet vertically to that site, to the boundaries of the property over the next 10 years, you can begin to see the magnitude of the error that has been made.

On the other side, we have a situation where people living within one mile, as the members of our study group have done, have themselves agreed that this project should at least move forward to a proper hearing. You can see the public opinion polls that have been taken—I think they are under tab 9—which show that at the moment about 74% of the people in these municipalities are either not opposed or are completely in favour of this project.

Mr McClelland: If I can summarize, and I am sure you will correct me, what you are saying is that at this point you are not asking that this project be approved; you are asking that this project be given an opportunity to be given the closest, the most detailed and rigorous technical scrutiny possible. That is all that you are asking.

Dr Schwass: Exactly.

Mr McClelland: A simple question—forgive me for being simple—if you do not use post-3R RDF, do you use any less fuel? This point is evident, but I am trying to—

Mr Coles: No, we would use the same amount or the same heat units of fuel. It does not affect the manufacturing process basically in any way. We would be removing 20% of the coal and adding 20% of the heat from RDF. The only difference is that the heat content of RDF is not as high, so in fact you back off 50,000 tonnes of coal and it takes 100,000 tonnes of RDF to give you that much heat.

Mr McClelland: I appreciate that point of information.

I want to draw attention in response to a line of questioning that was made earlier. It is on your tab 5, the middle paragraph, which says, "Compatible with 3Rs." The last sentence, and I think it bears some amplification, says, "The amount of RDF processed and used can exactly match the amount of residual waste which remains after optimal 3R programs."

It is clear, to me at any rate, that you are accepting the fact that the development of 3R programs is a dynamic program and it may change, and you not only prepared but committed to tailoring the use of RDF in accordance with post-3R, and post-3R only, fuels. Is that correct?

Mr Coles: Yes, that is right. In fact, the economic projections we have made too would allow for the economical composting, in addition to the present 3R program.

Mr Martin: Looking at the process that you are proposing here in your RDF proposal and the concern that we have for certainly the long-term impact of having toxic materials anywhere in our landfills or anyplace else, it seems to me that, regardless of what you do, there is going to be an ash. In your proposal, I assume from reading what I have and listening to you, the ash would be incorporated into the cement. Is that correct?

Mr Coles: Right.

Mr Martin: That would mean it would still in fact be present in the cement and ultimately when that cement breaks down you have got toxic material that will return to the earth and cause the problems that the ash perhaps would have done maybe a little earlier in the regular incinerator process. Do you want to comment on that a little bit and clarify for me?

Mr Coles: Yes. What happens in the cement manufacturing process is basically we are melting or coming close to melting the limestone. So what would happen with a compound such as lead, if we take it as an example? It would be absorbed into the crystal structure of the cement itself. Leachate tests have been done on the product and in fact when you burn any fuel, the amount of material leaching out is chemically bound in the product and would never leach out, for ever. Cement is used to solidify many materials, so in fact leaching does not take place.

Mr Martin: What you are saying is that down the line, regardless of how many centuries we look at, if we are concerned about the earth, in this process that toxic element would not return.

Mr Coles: Yes. Once we get it into the cement kiln, we are removing it from further exposure in the environment. That is correct.

Dr Schwass: Just as a supplementary, the evidence from Ortech is that because of the very high temperatures, seven to nine seconds' time in a temperature between 1450 and 2000 degrees, you get virtually total combustion. So you have immeasurably small amounts of material, in any case, going into the cement powder. Once the cement powder is combined with aggregates into concrete, then you have something that is utterly stable and it is not going anywhere.

1100

Mr Martin: It is stable until such time as that building is torn down and the cement is reprocessed, or we have an earthquake.

Dr Schwass: It is immeasurably unpredictable, I suppose, in the sense that concrete can be broken back down into aggregate. But if you take units of dioxin that would go into the landfill normally that would now go into the cement plant, they will be reduced virtually to nothing before they go into the cement itself. If you look at the Ontario Waste Management Corp's plan to solidify its waste that will eventually come out the other end, that will be stabilized by cement. Cement is regarded as the permanent final solution for any kind of residue. In this case, there will not be any residue because of the very high temperatures.

Mr Sola: First of all, I would like to commend both the company and the union for getting their act together and making a joint presentation, and also for solving their negotiation problems as they have. I think they are a good model for the rest of the economy to follow at a time when we are not getting many positive signals from the economy.

Both the union and the company have mentioned the fact that they have to become more competitive as far as costs are concerned. You have mentioned that using RDF

will replace 20% of coal. You have never mentioned, in either brief that I can recall, what that means economically. There must be some economic advantage to the company for it to be going after RDF rather than coal.

Mr Coles: Yes, 30% of our fuel costs are fuel-related, so basically this would be a no-cost fuel for us. In fact, even at reasonable levels of tipping fees, say in the order of \$50 or \$60, it still would reduce our fuel costs over and above the 20%. In other words, there would be an add-on there.

Mr Sola: You have mentioned that the United States and Europe are already using this, so what is their advantage from a fuel point of view in competition?

Mr Coles: Our company has a plant in Belgium, where because it is paid for taking hazardous waste and using it as fuel, it has now got its fuel costs down so they approach zero and you are looking at 30% of the costs that have been eliminated completely.

There is also another plant in Fairborn, Ohio which is approaching the same sort of thing, so basically it is getting the 30% cost advantage.

Mr Sola: Are these plants as efficient as the one that you are planning as far as toxic wastes are concerned?

Mr Coles: They are using hazardous wastes in those particular plants. Our proposal here, because we are located in an urban area and because we have a waste disposal problem in the GTA, is to use household waste, non-hazardous, municipal solid waste.

The Chair: We appreciate your coming before the committee this morning.

There are a couple of members who have not had an opportunity to put their questions on the record. I am going to suggest to them that they ask you their questions privately, but we would appreciate it if you would answer those questions or provide any other information that you have for the committee in writing over the course of our hearings.

Information can be submitted at any time. If it is received before February 14, it will become part of the record. If over the course of the hearings there is anything that you feel would be helpful to the committee to further our deliberations, we would appreciate that communication as well in writing.

Mrs Mathyssen and Mr Wiseman had questions. If you want to put them on the record, we can then get them answered.

Mr Wiseman: My question is a point of clarification on the size of the lift at the Britannia landfill site. Talking to engineers as recently as yesterday, it was indicated to us that the lift would be in the magnitude of 4.5 to 5 metres, which is approximately 15 feet, so two lifts on Britannia would be approximately 30 feet, not the 200 that the doctor indicated.

The Chair: Is that a question you want clarified by the ministry?

Mr Wiseman: No, that is just a statement of clarification.

Mrs Mathyssen: My question concerns your literature. In the literature that you provided for us, you say very clearly that new information may lead to improved environmental

regulations and that your company is cooperating with ministry staff to come up with a solution that meets the overall goal of environmental responsibility for your industry. That is from Peter Menet, director of environmental projects at St Lawrence Cement. "In the end, all this effort should result in better environmental protection standards for regulating the cement industry."

In view of your statement, do you not think that it is incumbent upon governments, incumbent upon all of us, to make sure that better environmental standards and better regulations are applied to the cement industry?

The Chair: Would you respond to Mrs Mathysen in writing? Our time has expired for your presentation.

We appreciate your coming before us today. Thank you very much.

Mr Coles: Thank you very much.

The Chair: I am going to endeavour, if I can, at the end of time to leave enough time for questions to be placed on the record. If that works, we will do it. If it does not, we will have to eliminate, which means keeping questions very short when we place them on the record. The other is that if deputants request, they can ask for a couple of minutes at the end of the presentation to sum up, and I will take that as well.

For the information of anyone watching the hearings, we have received some research from the ministry today, some alterations to Bill 143 that were announced by the Minister of the Environment in her opening remarks yesterday. They are item 2 and are now part of the public record and are available to anyone who would like to have a copy of them. These are the stated alterations to the bill as mentioned by the minister in her remarks yesterday.

CITIZENS' NETWORK ON WASTE MANAGEMENT

The Chair: I call now the Citizens' Network on Waste Management. Would you begin your presentation, please, by introducing yourself? You have a full hour for your presentation. The committee has requested that you leave a half-hour for questions, if that is possible. If not, the time is yours to use as you wish.

Mr Jackson: I am John Jackson. As coordinator, I am here today speaking on behalf of the Citizens' Network on Waste Management, as well as being president of Great Lakes United.

The Citizens' Network on Waste Management is a network of over 50 citizens' groups from all parts of Ontario which have been in existence for about the past 10 years and which work together in dealing with waste management problems. We support each other in dealing with the problems in our own communities, but we also work together in the lobbying for improvements and legislation, etc.

Great Lakes United is a coalition of 200 groups, citizens' groups, environmental groups, labour groups and sports organizations, from both Canada and the United States that are concerned about environmental problems all across the Great Lakes, all the way from Quebec City to Thunder Bay and Duluth, Minnesota. A major part of our focus in terms of Great Lakes concerns is with environmental contamination.

In terms of my personal experience, I should point out that I have worked for the past 15 years full-time, basically with citizens' groups, dealing with waste problems and with contamination problems. I am also a member of the National Packaging Task Force, which I know was referred to yesterday as being one of the reasons behind some of the amendments that are proposed here to the Environmental Protection Act. I am also a resident of Kitchener.

The basic conclusion that we have come to in terms of the work over the last many years is that we have consistently underestimated the impacts of the waste management problems that we create, and that clearly the only way to truly deal with those problems is to get back to the source, which is to reduce the production of waste in the first place. We all know that that is one of the basic underlying principles of certain parts of this legislation. Therefore, we heartedly endorse those efforts of the legislation, as well as the other efforts through other processes that are going on that were described to you yesterday by the ministry to look at waste reduction alternatives.

I think the other lesson I want to bring you from the past many years of working with citizens' groups is that the citizens have a tremendous amount to offer in terms of the understanding of the issues of waste management and also in terms of finding new, creative solutions to those problems. After all, it is the people who live in those communities who are directly affected by them, who have to live with the risks and who experience the consequences, who have the biggest motivation of anyone to find solutions, because they do not want to have to keep living with those problems. They also do not want to create problems for more and more people to go through the same sorts of things they have. It is on that basis that I come forward to you. What I will do is go through each part of the legislation very quickly and give our comments on it.

1110

Part I is the setting up of the Interim Waste Authority. We support the continuation of the Interim Waste Authority. We want, however, to see fuller discussion in the future about what the long-term role of this authority will be. Will it continue to be the operator? What role is it going to play within the greater Toronto authority? I do not think that has been explored through. It certainly has not been explored through with the public, and it is essential that this happen. But we certainly support the continuation of it to do the job that is defined for it in the legislation here.

We are pleased that the problems of reduction and recycling have not been given to the Interim Waste Authority. The reason for that is that the experience both here and in the United States has been that to try to combine the disposal in the same agency that is responsible for reduction and recycling creates a conflicting mandate and therefore means, in experience elsewhere, that we do not maximize reduction and recycling.

We are also pleased, and think it is critical in the operation of this authority, that it has to operate within a broader provincial scheme of waste management, because that will result in its having the proper limited role such an authority should have. Let me give you an example of a contrary

situation that I suspect we are all aware of, the Ontario Waste Management Corp.

Over 10 years ago we set up a crown agency to deal with the hazardous waste problem and to find a disposal site, but that was done without there being any overall scheme of what is the provincial strategy for hazardous waste management. As a result, we are still today grappling with trying to get an approval for a disposal facility without ever having done a proper job of reducing and recycling waste. That is the lesson to us of what we have to avoid in this new crown agency. I think we can avoid it because of the differences I see going on here in the limited mandate and in clearly going ahead to develop other programs for reduction and recycling.

We are pleased that in the powers of the Interim Waste Authority the right to expropriate is limited to being within the greater Toronto area. One of the inequities that has existed in the past is that Metropolitan Toronto has had the power to expropriate beyond its borders. No other municipality in Ontario has that power. It is a serious inequity that Toronto should have been given this special treatment. We are pleased that the greater Toronto authority will not have that power to expropriate beyond its borders.

We are also pleased to see the section in there in terms of hardship for people who may be in difficulties because their property is adjacent to a proposed site. We see so often that people are left in limbo for years, waiting to see whether a site will be built next door or not, unable to sell their property or to get a proper price because people are worried about going there. We are pleased to see that hardship section in there. We accept the right of inspectors to come in and inspect property. It is a necessary component of doing a proper site investigation and site search.

The provisions for notice are critical and the provisions to compensate land owners for damage to property, damage to crops etc, are absolutely critical. We are glad they are in there.

There are two items, however, that we think need to be added to the inspection provisions to protect the owners. The first is that property owners should be guaranteed full access to the information acquired during the inspection of their property. They should receive that immediately upon the inspection and the results of the studies have been completed, the full data gathered on their property.

The second addition we would like to see here is that later in this section there is reference to participant funding. We think participant funding needs to be provided at the time the inspections are happening on the properties, so that citizens can ensure the proper tests are indeed being conducted, can make input, can hire technical experts to make input and say, "These are the proper places to do drilling," and really make sure the proper inspection is done on those sites. Because one of the major fears land owners have is that when a property inspection is carried out they will go and drill at the part of the property which looks like it is the best and avoid the other areas, citizens need input on how that inspection is carried out.

Going on to part II, waste disposal sites, we cannot really take a strong position on it, but we have a concern with equity in the combining of the regional municipality

of York with the municipality of Metropolitan Toronto in finding a shared site. The fear we have is that yet again the major burden will be placed upon the regional municipality of York and the residents of York, the site going there. They already have been receiving waste for so many years that we really feel it is critical that a major effort be made to find a place within Metro Toronto's borders to actually site a landfill. We do not want that to be easily slipped by and just focused on York again. That inequity has gone on much too long.

Because of the time considerations in terms of finding new sites, we accept the limitations on the discussion of alternatives proposed in part II on waste disposal sites. We are particularly pleased to see the statement that incineration is one of the alternatives that should not be considered. We believe, as you have heard some of the arguments this morning—sort of in reverse, but you have heard the arguments—that it is a deterrent to waste reduction. It gets us again into that mentality that there is some grand engineering solution to our problem, and there is not. We have to get back to more basic fundamentals.

Of course, there is that ongoing concern about emissions. Inevitably there will be hazardous materials coming out of the stack. Inevitably persistent toxic substances will be scattered throughout the environment. As spokesperson for Great Lakes United, as president of Great Lakes United, I want to really emphasize the ongoing concern that exists among the scientists throughout the Great Lakes basin for the toxic substances that persist over time, that do not break down, that accumulate in the environment, that build up even though they are in minuscule quantities as they are emitted.

The scientists are coming forth to us showing clearly the devastating impacts on wildlife, on birds, on animals, and now the studies are beginning to show the impacts on people, impacts not just of what we have heard so much about, cancer, but impacts upon development, upon the children, upon future generations. It is very scary stuff and I suspect you will hear more of it in detail later. What it says to us is that we must not allow more and more persistent toxic substances, even in minuscule quantities, to be emitted into the environment.

We have an agreement between the United States and Canada, the Great Lakes water quality agreement, which the provincial government here has endorsed and supported as responsible for actually implementing as one of its roles, which says that we must have zero discharge of persistent toxic substances. That means none. That means we must make all efforts to stop all sources of persistent toxic substances.

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The problem with incineration is that it scatters those substances far and wide, so that we have no way to collect them again if we find a problem, to try to clean them up. It is actually one of the benefits to industry of having incineration. You can never hold them liable in the future for the impact of the contaminants. I will never be able to prove that contaminant actually came from that stack, because it has been spread all over the place.

I should also state that at the most recent meeting of the International Joint Commission, in Traverse City, Michigan, which had 1,500 people at it, when the minister spoke about her ban on incineration and this government's ban on incineration she was applauded. In fact, she was given a standing ovation. It shows how important this action is to the people throughout the Great Lakes. You will hear much more detail. Certainly the people who are much more competent to speak on incineration than I are the people from Work on Waste, who I understand you are hearing next week. I think you should debate that very thoroughly and explore it carefully with them next week.

The other alternative that is removed here is the export of garbage beyond the boundaries of the greater Toronto area. We all have to live with the consequences of the waste we produce. If we have that out of being able to ship it off to some far-off community where we can forget about it and can feel better with ourselves because we have given it some compensation, we have promised to help it out financially in some way, that is not good enough. That is too easy an out. We must live with the consequences closer to home.

The experience of the past year as Metro Toronto searched for landfill sites throughout the provinces—we never want to see again ads like this going out throughout the entire province. They are saying, "Land for landfills, offers requested." I can tell you, from very personal experience as I travelled around the province, of the chaos and the negative feelings this created around the province. I am sure you will hear about this when you go to Sarnia and when you go to the north to hold hearings. People in those communities felt abused, felt threatened.

Beyond that, it created community conflicts which people in the greater Toronto area should not be responsible for creating. It created divisions between those who were desperately looking for ways to financially help their communities and saw this as the only solution and people who knew the risks and said, "I'm more willing to take the economic risk than the health and environmental risk." The consequences in those communities were really devastating to see. I am sure you will hear more about that in the next few weeks.

There is one item that is unfortunately strongly endorsed. I am sure it is strongly endorsed in the legislation the way it is written because of the feeling of no option. That is the option of landfill. We must remember that our purpose is to minimize the use of landfills. It is not to say, "We'll do a good job of reduction and recycling and we'll throw the rest into a landfill." We have to make the commitment to people throughout this province to do everything within our power to minimize the use of landfills.

The other thing we must do is look at options for new types of landfills. Instead of the old landfill we have become used to where you put everything into the same landfill, we should be looking at dividing the materials into different areas. Rubble should go into a different spot, for example, than organic waste that can break down. The experimentation that engineers are now approaching, which is saying, "Let's rethink the concept of landfills"—I urge you and the ministry

to actually do studies of different types of landfills and how we can really improve the performance of landfills.

In section 15 of this legislation it clearly states that the minister may establish policies which have to be followed. That in effect becomes a way of scoping the environmental assessments. I think this is a useful exercise. One of the things it does is keep proponents from having to go on wild-goose chases that they know are never going to take them anywhere because they will be rejected in the long run. That is why it is important to have policies like that. I think, however, that those policies need to be created with a situation of serious and thorough public consultation. That is a critical component. There should be a provision that public consultation is required before such policies are set by the minister. That is the safeguard I think all of us need.

I also wish to refer here to section 16, which is the participant funding item. We are pleased to see participant funding to allow funding at an earlier step in the process, instead of just when you get to the hearing. Experience in hearings where proponents have given money to intervenors earlier has shown that it actually speeds up the hearing process. Many of the issues can be dealt with earlier in the process and can actually be taken off the table because the citizens have access to expertise in advance and can explore those issues in advance and clear them up before being in the formal hearing. So we heartily endorse participant funding.

Let's now move on to part III, which is the implementation of the minister's report. We have here a very serious problem. We cannot accept the complete removal of the residents' rights to have a formal public hearing before a hearing board on these projects. These projects could have significant effects on the neighbours. They may only be extensions and expansions but, regardless, extensions and expansions can have substantial effects. It is the neighbours who most fully understand the impacts these sites are already having on their lives and who can best estimate the new or intensified impacts these expansions could have. The provision to have written briefs go in to the director does not adequately replace the need for a hearing. The public needs the opportunity to be heard before an independent board that will sit back and make judgements and recommendations.

I think, given the restrictions already placed on the topics for discussion—taking away the discussion of need, incineration, perhaps alternative sites for these emergency interim measures—could result in a hearing that was much more scoped and could therefore be controlled in its length. It would be very possible to sit down with the neighbours at those two sites and talk with them about actually putting time frames on how long the hearing needs to be, to get the proponents to be brief in the presentations and really allow the time for cross-examination and other views to be brought forward.

The experience is that hearings result inevitably in better terms and conditions of approval, in better guarantees for the people in the community to protect them, and therefore I urge this government to look at the way of doing a scoped hearing to deal with the timing problem that is confronted, but also to let the public have its opportunity to an independent hearing. The ministry has stated it will

provide added guarantees to people in these communities, things such as liaison committees etc, and these are all very important provisions, but they are not guaranteed, they are not in the legislation. At least some of those guarantees should go into this legislation.

Finally, I wish to address a couple of items in part IV, which are the amendments to the Environmental Protection Act. The impact of these amendments goes far beyond GTA. This is for all of us in all parts of Ontario and we have to look at them in terms of the broader impacts throughout Ontario. We support the amendments because it gives the power to the government to require 3Rs activities and to require waste management planning and serious planning. We are somewhat surprised but very pleased to see section 22. This section encourages us to act responsibly internationally, to take into account international impacts of our activities here at home. That is part of our commitment to people in other countries and I am really pleased to see it in there.

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I have two problems with the issue in section 23 of ministers having the right to delegate some of their powers to the director. With the items already in clause 3 of the Environmental Protection Act, I see no problem in letting those be delegated to the director, instead of the minister making the decisions. Most of them are items such as conferences, doing demonstration projects and research. I do not see why the minister has to be the one who approves and makes decisions on those.

This legislation, however, adds two extremely important items under this power of the minister, clauses (k) and (l), which establish and operate, use, alter, enlarge and extend waste management systems or disposal sites and discontinue systems and close sites referred to above. I think those two powers should be required to stay with the minister.

That is something where I think politicians have to stand up and be held accountable. Those are very basic, central, important decisions and should stay with the minister. I would have no problem with the minister having the power to delegate the others to the director.

We are pleased that yesterday the minister announced that on section 29 the word "director" would be replaced by "minister." We are pleased to see that because these again are more critical decisions in terms of requiring action.

I wish to address one other concern not directly in this legislation. When directing general changes to the Environmental Protection Act I think it is a very critical one. This is the issue of the right of appeal for citizens to the Environmental Appeal Board.

Part XI of the Environmental Protection Act says that if the director undertakes certain actions, for example, closing down a site, approvals etc, the owner of the property or the operator of the site affected has the right to appeal to the Environmental Appeal Board and, therefore, to have a hearing before an independent board to see whether that action was appropriate or not. Citizens do not have the right to appeal and to initiate a hearing under the Environmental Appeal Board.

If, for example, a director chose not to close down a site and under his emergency powers were to extend the

life of the site, the citizens would not have the right to go to the Environmental Appeal Board and appeal that decision. I think that is an incredible inaccuracy within our legislation and an incredible denial of citizen rights.

Let me give you one example—it is not specifically to landfills unfortunately, it is sort of throwing everything to the ground—Uniroyal in Elmira. We now have Environmental Appeal Board hearings going on there. The reason those hearings are going on is that Uniroyal did not like the control order the ministry placed on it and therefore appealed the order. They said it was too tough on them.

Before the appeal board now, citizens are represented and it is having a full airing. If, however, the citizens had considered the control order was too weak and Uniroyal had accepted it and not appealed it, there would be nothing the citizens could do. They could not have appealed that control order on Uniroyal. That is a totally unacceptable situation. It likewise applies to landfills with very wide implications, and I urge you and the ministry to look into that as a serious flaw in our legislation.

Those are my comments. Unfortunately, I do not have them typed and I will do that and make sure they get to you within the next week. I am open for questions.

The Chair: Thank you very much for your presentation.

Mr Jackson: I will type my comments out for you.

Mr Wiseman: They will be in Hansard.

Mr Jackson: So I do not need to. Thank you.

The Chair: Everything the presenters say is recorded in Hansard and available for the public usually within a few weeks. We have a translation service available as well. Each caucus has approximately eight minutes.

Mrs Mathysen: I have two questions. We have just heard a very well organized presentation from St Lawrence Cement in favour of using refuse-derived fuel and I noted that you were here for that presentation. Do you have any specific concerns about that presentation, about refuse-derived fuels? They did differentiate between that and incineration, and I would appreciate your expertise on that.

Mr Jackson: My expertise is greater on EFWs, energy from waste facilities, and on incineration than on actual refuse-derived fuel, but let me tell you the concerns I would have. These concerns are upon hearing of the problems elsewhere where the cement industry has actually been in burning waste.

The cement industry has a terrible record. Ask people who live near them, both in Canada and the United States, in terms of the discharge. Mrs Marland pointed out some of the ongoing problems. I would want to see very thorough studies of actual emissions through the stack from an operating site that has been burning such fuels somewhere in the world.

I do not think it is good enough to simply say we did—I have not read their documentation. I do not know what basis they are using for emissions that would come out of it, but I think it has to be from actual operation over a period of time with the similar type of fuel. I have to be extremely wary of it because the record of the cement industry is not good. Burning inevitably discharges contaminants into the air and, as I said earlier, scientists tell us that, with many of

these chemicals, we simply cannot risk more in the environment than we already have.

I urge you. The people from Work on Waste—Dr Connett, who will be coming, has explored this issue in incredible depth and in more detail than anyone else I know. I am confident he can give you very detailed answers, but we certainly do not support it.

Mrs Mathysen: I have been remiss in not commenting on the excellence of your presentation as well. There is just one thing, and that has to do with what you said about York being responsible for Metro's waste. I was wondering if Jan Rush could help me with that. It seemed to me, in the draft approach and criteria documentation, that a site in Metro is not precluded. Am I correct? Could you explain that? I think that concern was raised.

Ms Rush: The site search area is York-Metro and investigations had begun in looking for that total area. Metro is not excluded. You are correct.

Mr Jackson: I realize that. My fear, however, is whether a strong enough weighting will be put on trying to find a place within Metro. It is easier to go out to York because there seems to be so much more open space.

Mrs Mathysen: I appreciate that clarification.

Mrs Fawcett: Thank you for your very comprehensive presentation. I was really interested, and certainly agree with you that we have to get back to the source of our problems and, of course, packaging lights up. I would be the first to say there is no way we need a package inside a box, inside a plastic wrapper. But I also have been cautioned by some people asking how we make sure that items from which we may remove some of the packaging are compatible with the health and safety regulations. We know of lawsuits and all those things. I just wonder if you have done any work on that kind of thing.

Mr Jackson: The national packaging protocol referred to yesterday is, in its legislative studies, looking at current requirements, for example, from Health and Welfare Canada in terms of standards. Those issues are being dealt with in detail by this multistakeholder group, which is what the national packaging protocol is: government people, the packaging industry, the using industry as well as environmental groups.

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Mrs Fawcett: Have you had input into that as well?

Mr Jackson: Yes.

Mrs Fawcett: One other thing: You touched on the inspectors being able to go on, and I really have some concerns about the rights of the land owners. How do you see citizens and land owners becoming part of that process right from the beginning? Do you have any thoughts on this?

Mr Jackson: I definitely do. I work with Susan's group; that is where my time is spent. They will often talk with me and say: "They are at the point now that they want to send an inspector. I just want to say no. What do you suggest?" My reaction always is one of: "We have to explore the site. They may come on and find it is a lousy site, and you are best to know that now." We have to find the solution,

and to simply put up the wall and say no does not solve the problem.

What we need to protect the citizens and what makes them feel better about this and much more willing to accept it is to actually meet with the people affected before the inspection happens, to sit down, have their experts sit down with them and let the citizens also have the funding to be able to hire an expert, say, in hydrogeology, to be able to sit down and say: "Is this inspection being properly carried out? Are they looking for the right things when they are on my site? Are they actually drilling the holes in the proper places when they are checking to see if there is clay or digging or whatever they may do?"

As I said earlier, the big fear land owners have is that they will come in, they will look only at the best spot, and then they will go back and say: "You're number one because you were best." That is the major fear land owners have. It is not the property damage fear or whatever; there are ways to compensate people for the crops that were trampled on or whatever. The fear is of the inspection being misused. So we should, first, sit down with the citizens and with the land owners and discuss in detail how that inspection will be done, and second, make sure all the data from the inspection are made available to the group and to the citizens.

Mrs Fawcett: When you say "we" sit down, do you mean the ministry?

Mr Jackson: I am switching my we's constantly here. I think it is important that the proponents, if that is a municipality, if that is the ministry, whoever it is, sit down with the land owners and with whatever citizens' groups may have arisen in the community, to work it out.

Mrs Fawcett: I will defer to my colleague because I know he has a question.

The Chair: I have Mr Lessard next.

Mr McLean: I thought we were rotating.

The Chair: I do not have you on the list, Mr McLean.

Mr McLean: I am the only one here.

The Chair: You have to signal that you want to question in order to get on the list.

Mr McLean: I am sorry. I thought it was automatic that we would be asked.

The Chair: No. Go ahead, Mr McLean.

Mr McLean: Thank you. A clarification from the parliamentary assistant first: Is it right that this legislation gives a minister the power to expand landfill sites without an environmental assessment hearing?

Mr O'Connor: Under the minister's orders, she has ordered that expansion take place at two sites and go through a full environmental set of studies. I believe you probably have a copy of that report. You can take a look at that and see where the minister's report referred to that.

Mr McLean: Then you are saying that she does have the power to order a site expanded without an environmental assessment hearing.

Mr O'Connor: Right. What she has done, though, is made sure that all the studies take place, and in the case of

Keele Valley she suggested in her comments yesterday that, should there be enough time, hearings take place as well.

Mr McLean: Mr Jackson, you indicated in your remarks with regard to property owners, where there is an access to their property for inspection—and I believe my colleague just touched on that briefly. Would that be intervenor funding they would be looking at for that group to be able to function in a hearing?

Mr Jackson: The formal “intervenor funding” term applies to the Intervenor Funding Project Act, which does not come into effect until the actual hearing begins. Therefore we need prior funding, and there is a phrase which is for an earlier funding, “participant funding,” which is a phrase I have not seen before. But it is the participant funding that is referred to in this legislation that would allow the funding for this earlier type of thing we are talking about. Intervenor funding would not provide for it.

Mr McLean: Right. Metro is looking at three landfill sites, or hopes to have three. Where would you anticipate within a Metropolitan area that you would be able to establish a landfill site? The only area I know that is a large enough area within Metro would be in the Rouge Valley.

Mr Jackson: First, I think we have to reconsider one of our guidelines in terms of landfills and look at smaller landfills, which then makes it more feasible to be able to locate them closer to urban areas, because we tend to look now at the one grand landfill, and it becomes a massive space consumer.

Second, if we look at different types of landfill, perhaps landfills with no organics in them, the requirements and the problems would be different, and therefore the siting criteria, such as distance from housing etc, could well be different. I think those are some of the options we have to explore. I am certainly not into filling up the Rouge, let me assure you.

Mr McLean: I am not either, and I know a lot of environmental people are not.

Mr Jackson: This is why I think we have to start taking a look at landfills as being a different type of creature from that huge mound in the air we have talked about in the past.

Mr McLean: How would you establish landfill sites across the province in rural areas? I have a letter here from a constituent dated January 14, as a matter of fact. There is one particular area in the county of Simcoe where we have had a problem, and that is in the Wyevalle area. They had hearings going on for years and there is still not a site there. The individual indicates now that they are looking at another site. Nobody wants landfill. They say we do not have to have landfill.

I picked up something the other day in the store and there was more packaging than the individual item. I do not know why there is not something in this legislation—if there is, I would like to know where it is—whereby they would reduce by law the amount of packaging that takes place in the province. Could you address that?

Mr Jackson: My understanding is that one of the things this legislation provides is the power for the government to

do requirements on reducing packaging. That is one of the major reasons we support the principles underlying this bill. I totally agree with you that we have to focus on minimizing the need for landfill, because of course no one wants to live next door to them. They have a terrible history.

Mr Lessard: Mr Jackson, I want to thank you for an excellent presentation. I also want to express my appreciation as a member from Windsor for the work of Great Lakes United. I know Rick Coronado makes sure that politicians are constantly aware of environmental concerns on just about every issue.

You also mentioned the Great Lakes Water Quality Agreement. I am glad you did, because it is an issue in Windsor right now with respect to whether the International Joint Commission office is going to stay there. I know Great Lakes United is trying to make sure that happens because that is something we need to do to make sure there is compliance with that agreement in order to protect the environment here in Ontario.

In your comments it is clear you do agree that we need to deal with waste as close as possible to the source because that provides the encouragement for us to reduce things like packaging. You also made a comment about the rights of appeal to the Environmental Assessment Board. I am not sure whether that was in any section of the proposed legislation.

Mr Jackson: No.

Mr Lessard: You indicated that you would be able to type up your comments, and you do not have to do that. What you could do is provide us with a draft amendment that you might feel would address that concern, because I am not sure where it might fit in with this legislation.

You also suggested involving land owners in inspections. I think that is something we need to consider. It has been brought to my attention that the Interim Waste Authority is going to be setting up regional consultation groups for each landfill site search. Do you think this would be a place that these sorts of suggestions about getting land owners involved in inspections could be addressed?

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Mr Jackson: Yes, and I understand there are quite extensive intentions and consultations currently ongoing. I think, however, that certain guarantees need to be in the legislation, and when we are guaranteeing the right to inspect in legislation, we simultaneously need to guarantee the opportunity to make inputs. That is why I would like to see this in the legislation, not simply in a commitment that, “We’ll do it in our public consultation program.”

Mr McClelland: Mr Jackson, thank you very much for being here. I have a couple of quick questions. You said throughout the course of your comments that you think we have to be creative and open-ended and much broader in terms of our horizons, our scope of looking at landfill sites. Do you feel the same way about all options, all potential solutions that might be brought to bear, bearing in mind your comments earlier that you believe in the environmental assessment process in subjecting any proponent to close scrutiny? On one hand, you are saying it is

good that the minister rules out things up front. On the other hand, you are saying we have to be creative.

Mr Jackson: I think we can find other forums to be creative in. I am personally now in a horrendously long environmental assessment on the Ontario Waste Management Corp. We went through a year of a hearing on need and alternatives. We spent an entire year basically doing that. At the end of that year on need, the decision the hearing panel made was that this was not the appropriate forum to develop a hazardous waste management policy for Ontario, that the EA was not the place to do that, that what we were there to do was to discuss the mandate the OWMC had been given and working within that mandate.

I do not think an environmental assessment hearing is the place to develop policies for the province, to explore all those other options. First of all, the adversarial nature of those hearings means that we do not explore them with open ears, quite frankly, and I have spent three years knowing how closed the ears become at a hearing, in the OWMC hearing but other hearings as well.

Also, it financially means that the burden keeps being put again and again on proponents, one after the other, to have to look at all the options. In hearing after hearing we debate all the options again and again, which is such a waste of time and money for all of us, not just proponents but also citizens' groups. That is why I would like to find a different forum in which we work out the policy guidelines so those do not have to be debated again at each hearing.

Mr McClelland: One other quick question: You are very much involved in terms of citizens' advocacy and as a facilitator for citizens' groups, and your reputation is well known, sir. One of the thrusts you certainly endorse, I believe, as somebody who is concerned and intimately involved with environmental issues, is the hierarchy of the 3Rs with an emphasis on reuse and getting away from a mindset of simply recycling. In a quick response, how do you feel about the fact that today, \$500,000 plus, in excess of half a million dollars, of your money as a taxpayer, and indeed through the Ministry of the Environment, is being allocated to recycle disposable diapers?

Mr Jackson: I am not into recycling disposable diapers. I think we should be having reusable diapers. It is a little easy for me to say, since I do not have children in diapers, and I might say something slightly different if I had children in diapers. I do not think that is the solution.

One other thing I would like to raise on this is that we have had a lot of talk about packaging and that sort of thing, but we have to get back to something more fundamental, which is consumption. It is not just that when I buy an item I do not want all the packaging on it; I have to investigate whether I even want the item and whether I should be buying that item or not. If we want to make the really fundamental changes in our waste production, we have to start looking at our consumption.

Mr McClelland: Is it fair to say that you find it strange, if not contradictory, that we are talking about part IV of an act that puts us on a track to reducing and hopefully altering a mindset at the very same time we are kicking in

over half a million dollars of taxpayers' money to recycling disposable garbage? I find is absurd at best and very strange that those two things are happening at the same time.

My last question is, realistically, from your experience, are we going to hit the 50% reduction target by 2000? Can that be achieved?

Mr Jackson: We can achieve better than that, and that is what other countries are telling us. I think we have to realize that we are not out somewhere in some wild land where other people have not explored and have not started to do a good job already. The sort of projections we are talking about, 50% reductions, are totally realistic. In fact, we have to do better than that.

Mr McLean: I have a couple of quick questions. I would like your expertise on coal ash. Have you done any assessment on whether coal ash is a garbage or a disposable item?

Mr Jackson: I do not know. I cannot answer that.

Mr McLean: The previous delegation wanted to be able to proceed with an EA they have already done 90% of the work on. Did I hear you correctly that you are pleased the minister says that will not be allowed to happen?

Mr Jackson: Yes, because the indications we were getting were, first of all, that the ministry was not considering that proposal acceptable, so why should we waste more time on it if the proposal is not acceptable? I do not believe in incineration and the burning of wastes. Therefore why waste more time and money, both for the government, for the province, as we investigate it and go through a hearing, and for citizens' groups as we put in time going through a hearing? It is better to not keep on going down a path, which is not going to be accepted anyway, than spend more money on it.

Mr McLean: But you also agree that the minister has the right to expand the landfill site without an environmental assessment hearing?

Mr Jackson: I have severe difficulties with that, and that is why I have some of my concerns about the appeal board and the right to explore those options further. For example, I said on these interim sites that I think there should be a formal hearing.

Mr Wiseman: I would like to pursue with you, just in terms of thought, the recycling-reuse part of the legislation. That is going to be the only considered alternative to landfilling. You said other jurisdictions have done better, are doing better, with more modern techniques. If we are going to consider them, could you give us some examples of what other jurisdictions are doing that maybe we could be doing here at the same time? Also, this legislation says that if something stops being a part of the waste stream, then it does not have to come under the Environmental Assessment Act. Could you give us some examples?

Mr Jackson: Places that are doing better in terms of reduction and recycling?

Mr Wiseman: Yes.

Mr Jackson: I think there are countries in Europe we are all exploring. I know the ministry is exploring and through the packaging task force we are exploring. There

has been some very good legislation recently in Germany which puts severe restrictions on packaging, which goes far beyond what we have done here, in fact beyond what we are even contemplating doing here in packaging.

I have seen some things. We actually have an example going on currently in Halton region of reuse centres to encourage people to bring in, instead of calling it garbage and throwing it out, actually bringing it into a centre. It is basically a grand place like a secondhand-type store, but on a whole different scale from the stores we have been talking about so far. We want to spread those sorts of things throughout the province and to really support getting them set up. Those are a couple of examples where we think we have a long way to go.

Mr Wiseman: Do you know anything about the process in Germany where they store materials in aboveground metal sort of Quonset huts until they find a market?

Mr Jackson: That is news to me. I was not aware of it. I am pleased that is happening.

The Chair: Thank you for your presentation. If there is any additional information you think would be helpful to the committee, please feel free to submit in writing at any time over the course of the hearings any comments you would like this committee to consider. Thank you for appearing today. The committee will reconvene at 2 pm to hear presentations this afternoon.

The committee recessed at 1200.

AFTERNOON SITTING

The committee resumed at 1400.

NORTHWATCH

The Chair: We are reviewing Bill 143. This afternoon will begin with a presentation from Northwatch. We have received a written presentation. All members have received it and it is an exhibit now in the public record before the committee. Would you please begin your presentation by introducing yourself. You have one hour. The committee has requested that you leave hopefully half of your time for questions, but the time is yours and you can use it as you wish. Welcome.

Ms Lloyd: My name is Brennain Lloyd and I work with Northwatch. Our office is situated in North Bay but we are a coalition of over 20 environmental and citizen organizations plus individual members operating across the northeast. We were founded in January 1988 with priority issues of a regional nature: energy use, production and transmission; the impacts of nuclear industries and megadevelopments; forest depletion and the conservation of wild areas; waste management, waste reduction and waste avoidance; water quality issues; mining and mineral exploration, and militarization. In addition to acting on these issues as a representative body, Northwatch also provides support and information to local citizens' groups addressing these and other environmental concerns in their own communities.

As a coalition we have, without apology, a pro-north perspective. We represent the interests and particular issues of the northeast. Historically our region, northeastern Ontario, has been regarded as an economic commodity rather than a community. This can and must change. It must change with the realization of the long-term objectives of diversifying our economy, maintaining our resource base and implementing the highest standards of environmental protection. To this end, economic and social decisions must be made with the priority of creating and contributing to a sustainable north. This will largely be done by recognizing the inseparability of environmental and socioeconomic concerns.

For our discussion today, as with most important discussions, we have to set the context. We suggest that the context for this discussion is sustainability. The 1990s are being hailed as the turnaround decade, the decade where we as a society are going to make or break it in terms of changing our patterns of growth and consumption in order to avoid what many now say is imminent global catastrophe. It is in this decade that we must choose whether to continue as a consumer society with all the attendant ramifications or whether we are going to make the transition to a conserver society committed to sustainable development and to living on this planet as if we meant to stay.

"Sustainable development" has become one of the flagship phrases of the turnaround decade. Common to economists and development analysts since the 1950s, the term gained new currency with the release of the Brundtland commission report, *Our Common Future*, which was released in 1987 by the World Commission on Environment

and Development. That report marked out a meeting ground for environmental and economic concerns and defined "sustainable development" thus:

"Humanity has the ability to make development sustainable—to ensure that it meets the needs of the future without compromising the ability of future generations to meet their own needs.... Sustainable global development requires that those who are more affluent adopt lifestyles within the planet's ecological means—in their use of energy, for example," and in their waste production.

With the phrase's new-found popularity has come a dilemma. In this marriage of two frequently competing sets of priorities, there is a risk of one being subsumed by the other. Like an unwilling partner battling for dominance, development interests have been adept at asserting their ground in the use of this term. The risk, then, is that ecological concerns will somehow be sacrificed for the sake of preserving that partnership, to make this marriage work.

For northeastern Ontario, sustainability means the incorporation of environmental considerations into all aspects of social and economic decision-making. Nowhere is this more evident than in the area of waste management planning, waste avoidance and waste reduction. Economic and social decision-making and waste management planning must be done with the priority of creating and contributing to a sustainable north.

For the north, the challenge implicit in the phrase "sustainable development" is one of both maintenance—of the health of the region's lands and waters, of its forests, of its overall ecological wellbeing—and of change and transition. What is required of the north is a shift to a regional economy that works with those objectives instead of against them as the resource-extraction-based economy of our region has traditionally done.

Three elements are fundamental: ecological security, self-reliance and community stability. In the context of northern Ontario, key ingredients or indicators include north-south equity, very relevant in this discussion; inter-generational equity, also very relevant in this discussion; small-scale economies; decentralization; local control, another factor of immediate concern; best utilization of local resources, and of all resources, and prejudice towards use of renewable resources over non-renewable.

Obviously waste management and waste avoidance are key and central issues in the context of sustainability and ecological health and community wellbeing. Fundamental in the pursuit or attainment of sustainability is the maximizing of use while minimizing consumption, doing the most with the least. Conservation and waste avoidance are at the pinnacle of waste management options, and community responsibility is essential. Waste production, particularly excessive waste production, is one of the most astute indicators of a community's or society's success, or lack thereof, in making that transition from a consumer to a conserver society.

Having set the context, I would like to continue the discussion with particular reference to Bill 143 and how it relates and how we respond to it in our own region.

On October 24, legislation was introduced, as you all know, to the Ontario Legislature that would prohibit the export of solid wastes from the greater Toronto area to other communities, including our own. While the bill is relatively broad in the area of its address, for northern and other rural communities that have been repeatedly threatened with landfills and incinerators to accept Toronto garbage over these last years, sites such as the Adams mine site in Boston township near Kirkland Lake, the bill has particular significance in that it would prohibit by legislation the dumping of greater Toronto area garbage in northern lands and waters.

On April 2, the Minister of the Environment had issued a policy statement making quite clear that all communities must accept responsibility for the waste they generate and that in keeping with that, the search for long-term disposal sites for greater Toronto area garbage must be kept within the GTA. Despite that clear policy direction, Toronto politicians and garbage entrepreneurs have continued to push for the export of Toronto garbage, in particular to Boston township near Kirkland Lake. We saw clear evidence of this during the last municipal election in Kirkland Lake, where garbage was the issue, but the electoral candidates were not running the biggest campaigns; rather, it was the garbage entrepreneurs doing so. Clearly the only way to exorcise these garbage ghosts is with legislation, so Bill 143 has been greeted with enthusiasm.

As some background to that, in March 1989 Premier David Peterson established the Solid Waste Interim Steering Committee, made up of the chairs of the five municipal governments within the greater Toronto area and representatives of the province. SWISC was set up to solve the GTA's garbage crisis and spent an inordinate amount of time looking for ways to export that crisis to landfills or incinerators in communities outside the Metropolitan Toronto area and an insufficient amount of time looking at means to reduce that waste.

At one point SWISC put out calls for expressions of interest from private sector firms around the world. It asked that these firms propose ways of dealing with the garbage crisis in the greater Toronto area and put few guidelines or restrictions on the types of solutions it would look at. By December 1989 SWISC had received 86 submissions, a number of them for the use of northern Ontario. They ranged from the air-dropping of bailed garbage on to crown lands north of Sudbury to the burning of it in any number of locations to megalandfills, including one such landfill at the Adams mine pit in Boston township, Timiskaming district.

We have always held the proposal to bail garbage and drop it on crown lands north of Sudbury as being as equally reasonable as such proposals as landfilling it in the Adams mine site. They are both ridiculous. None of them has deserved further consideration. I suggest that if we could have looked at those proposals equally, we would have had a much shorter discussion and spent much less of our time and energy on those debates.

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In the north our experience of being eyed as easy dump sites is not a new one. In the late 1970s and in the early 1980s, Atomic Energy of Canada Ltd visited our communities, looking for a dumping spot for high-level radioactive waste, waste that is lethal for an eternity. They tried to set up shop for exploratory drilling in Timiskaming and were met with intense community opposition. They succeeded in setting up shop in the town of Massey, where they proceeded with the exploratory drilling at East Bull Lake, again incurring the wrath of the townspeople and then vanishing like a thief in the night.

In the mid-1980s the game began again, this time for the transfer of vast quantities of low-level radioactive waste from southern Ontario to the north. Our communities have been courted and promises have been made and broken, but none of that waste has been moved yet, and if justice and good sense prevail, none will. In the north we are vulnerable to these propositions—small populations, impoverished communities and an economy close to collapse. In defence of northern municipalities that would look twice at the chance to take garbage for money, it is our assessment that this is not done out of indifference to their communities but rather out of desperation. The willingness to consider taking poison waste, and the GTA's waste is no more acceptable than AECL's, is an indicator of nothing but our poverty.

I move on and look specifically at parts of Bill 143. We appreciate that Bill 143 is not just about prohibiting export and incineration, but these are the most important steps for us in the bill, so it is only natural that we spend more time on and give more thought to them. They are also the areas we are most familiar with. We are familiar with the proposals, with the threats and with the dynamics within our community. It is very important to us to address them before you and ask that you include those in your consideration of the bill.

Looking specifically at parts I to IV, part I is the establishment of the Interim Waste Authority. We support the establishment of the Interim Waste Authority as a method of addressing the greater Toronto area's waste management difficulties. While not appropriate to this same legislation, we would also support regional initiatives aimed at developing regional responses to the particular waste management problems experienced within a given geographic, social or economic area. The GTA is not the only region with waste management problems. The GTA is not the only area running short of landfill sites. The Ministry of Northern Development and Mines has recently announced a regional consultation in our region aimed at developing more effective waste reduction and management strategies for the north. We welcome this and encourage the Ministry of the Environment to assist to its best ability in that process and to assess what potential there is for similar processes in other regions of this province.

Part II, on waste disposal sites, we have already discussed to some degree. Northwatch strongly supports the provisos contained in part II of Bill 143 that prohibit the incineration or export of GTA solid waste. The so-called options of incineration and/or export are neither environmentally

sound nor socially acceptable. It has been very discouraging to us to have the discussion of Toronto's garbage crisis return to these unreasonable options, and therefore to our communities, again and again. Given the serious problems of toxic emissions and of concentrating contaminants in the ash of waste incinerators and the considered consensus of the environmental non-governmental community, which has so decidedly rejected incineration as a waste management option, there are no reasonable grounds for supporting incineration.

With respect to the so-called export option, on what social grounds could rest any support of the export of one community's garbage to another? To cite one example, the Adams mine site is outside of Kirkland Lake's municipal boundaries in Boston township and is therefore not Mayor Mavrinac's to offer. The site was subjected to 28 years of blasting as part of the mine's normal operations and as a result the pit walls are riddled with innumerable fractures. Using the Adams mine pit as a dump site for GTA waste would result in that waste resting below the water table, creating an instant leachate problem. The export of a community's waste to places unseen and unknown to the general population and the municipal decision-makers divorces that community from what is perhaps its most basic responsibility: the management of its own waste in a sound and acceptable manner.

Discussions of economic equity, north-south equity, urban-rural equity and responsible planning all would conclude in a dismissal of positions such as those that have been taken by garbage entrepreneurs on garbage export. Key principles must bear weight in these discussions, principles of sustainability, of communities retaining responsibility for their own waste, thus taking action to curb the production of that waste. Discussion of the added environmental impact of transport of huge quantities of waste can now be retired following the provisions that have been entered into Bill 143.

Part III, implementation of the minister's report: The regions and municipalities of Durham, Peel and Metropolitan Toronto are outside our area of experience or direct familiarity, living some several hundred miles to the north of them as we do, so we are unable to comment with particular understanding of the areas under discussion or the specific landfill sites, but we can provide some comment on the generalities of this part of the bill. We are uncomfortable with what could be the establishment of a precedent for unduly limiting public access to environmental decision-making. We would recommend, as an approvals process for the expansion of the Britannia and Keele Valley sites and the transfer station in Durham region, that should a full review process not be possible due to time constraints, a scoped or scaled-down review process could be followed, with a tribunal established and participatory funding provided.

Again, we are not familiar with the situations, we cannot comment in detail and the areas are well beyond our region, but it would seem that review is possible, perhaps on the filing of the minister's reports.

Having said that, however, we do believe there is a bottom line. Municipalities, the ministry and the public

must cooperate. They must participate responsibly and in good faith, and must make their best effort in the evaluation and approval process to arrive at a solution. The consequence of not doing so is inevitable. All parties must recognize that there are constraints, that there are realities, and that if their choice is between waste reduction, garbage left at the curbside or an undemocratic process, those are their choices and they would be well advised to make the best choice in the best combination in the best time frame. The solution is never going to be, when you fail to make those choices, to ship your problems somewhere else.

Part IV is amendments to the Environmental Protection Act. In general we support part IV, particularly because of its province-wide effect and its intent and ability to further waste reduction. In particular, we support the amendment to the EPA that recognizes our responsibility for environmental effects beyond Ontario's borders and enables the minister to make grants and loans for waste reduction or waste management initiatives that would be particularly critical in regions such as northern Ontario, where frequently the municipalities or townships are without the financial means, particularly for capital costs, to institute such programs on their own.

Mr McLean: I wonder if I could get a clarification from the parliamentary assistant. I have a note here that says, "If Bill 143 is passed, what happens to your party's promise during the 1990 election campaign to conduct full environmental assessments on new landfill sites and the expansion of existing ones?"

Mr O'Connor: I think you referred to that this morning a little bit and I referred to the minister's report. Perhaps I can turn to a representative from the ministry who can explain in further detail what the minister's report was actually detailing.

Mr Merritt: My name is Jim Merritt and I am the director of central region for Ontario's Ministry of the Environment. If I take your question correctly, you are asking about a commitment to have environmental assessments for new landfill sites. I think that is exactly the position of this government and the Ministry of the Environment, that new landfill sites will go through the environmental assessment process.

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Mr McLean: The last part of my question was the expansion of existing ones.

Mr O'Connor: Perhaps you can explain the minister's report to him, the full studies and whatnot.

Mr Merritt: For the expansion of sites: I should reiterate that section 29 of the Environmental Assessment Act, as it currently stands, is under the cause of public interest. That is usually interpreted as being under emergency circumstances and that is how it is applied by the Ministry of the Environment. In emergency circumstances, and municipalities do face those periodically, the opportunities for hearings sometimes have to be deferred or waived and section 29 is used in that case to issue orders to endeavour to encourage the municipalities to undertake the actions necessary to manage the wastes in a proper environmental and sound approach to public health.

Mr McLean: Thank you. I did not ask for a speech. I just wanted to put the question to him and get an answer to my question.

I would like to ask the witness a couple of questions. What did happen in the election? You indicated there was a group working for a certain party. Did they get elected? Did the mayor get re-elected?

Ms Lloyd: In the municipal election in Kirkland Lake?

Mr McLean: Yes.

Ms Lloyd: Joe Mavrincac was re-elected. I live actually about 200 kilometres to the south of there and about 300 kilometres to the north of here, so I was not in the community for the entirety of the election campaign, although I had a fair amount of discussion with some of our membership who do live in Kirkland Lake. In general what happened was that there was a campaign run parallel to the campaign for council that was funded by Notre Development Corp, or actually run by Notre Development. They are the proponents, the proposers, the supporters of exports of GTA waste to Kirkland Lake.

I understand there was a storefront operation. There was extensive radio advertising. One of the difficulties was that there were no constraints under the Municipal Elections Act, under the legislation that guides and guards municipal elections, to limit that spending, to limit the amounts of dollars that could be spent supporting a particular view. I am sure you will hear a lot more about this when you visit Kirkland Lake in a few weeks' time, but in general that is what took place.

For people living in that community, and for those of us who live in other communities who might at some other time be subjected to another proposal or a similar proposal, I think we really took exception to having our municipal election interfered with in that way by someone from outside the community with a single point on the agenda, having the opportunity to spend large amounts of money. I do not know the amounts of money. It might be an interesting question for you to ask Mr McGuinty when he appears before you, I think, later this week.

Mr McLean: With regard to transferring garbage from one site to another, the minister in my estimation, if it is under a county government, can direct it from one municipality to another. I am not totally aware of the legislation, maybe not as much as you are. Do you find it would be reasonable, in this legislation, to allow the minister to have that authority to say you can take it from Wasaga Beach to another municipality?

Ms Lloyd: I do not think this legislation accomplishes everything we need accomplished in the area of waste management, and I think we have general concerns about the export of waste from one community to another beyond the GTA boundaries and quite separate from the discussion of GTA waste.

In my own community we have been looking for a landfill site, or our municipality has been looking for a landfill site, for a number of years with questionable or debatable success. It is our assessment that it has not been helpful in encouraging that search for an acceptable and sound landfill site. It has not been helpful that they believe

there is the option for them to export their waste. As our landfill site has run out of time again and again, they have considered exporting our waste to another community. As a community group living there, we have very much opposed that. We are very critical of it and would actually welcome legislation that would make it, if not utterly impossible, certainly much more difficult. Environmentally there is a bottom line. There are damages that happen, consequences that will not be reversed and somehow we need to translate or integrate all of those bottom lines, which are sometimes not so tangible or so easily identified, into the way we as communities are required to make our decisions, and then govern ourselves accordingly.

Because this is dealing more with GTA waste, we have not looked at it particularly from the angle of trying to invest this legislation with that ability as well, but I think it is something that needs to be considered.

Mr McLean: Could I have another question, please, before my time is all used up. There is nothing in the legislation, and I would like your opinion on whether there should be, to say to a municipality, "These are the guidelines as to who can establish a landfill site." Everybody says we have to have landfill sites. All kinds of people are saying we have to reduce, that we have got to do all these things, which I agree with, but nobody is coming to the point where he says, "This is what you have to do to establish a landfill site."

What are the criteria laid out? There is nothing laid out in the bill that says you do this, this, this and this, whether it has to be in clay land, whether it has to have a screen in it or whatever. There is nothing that tells people how you can establish a landfill site and I think that should be one of the priorities of this government. How are they going to establish three landfill sites in the Metropolitan Toronto area? There is nothing to say how you do it. Do you have any suggestions for them?

Ms Lloyd: I think one of the difficulties would be that no two pieces of land are the same. I agree it is essential that there be adequate direction and instruction given in terms of the safeguards required, but I cannot envision how that would be done in both a blanket manner and a very specific manner because no two pieces of land are the same.

The Chair: Mr McLean, the parliamentary assistant has requested an opportunity to respond to your last question. Is that agreeable to you?

Mr McLean: I thought I had all kinds of answers on that one, but if he has further answers, I would be pleased to hear them.

Mr O'Connor: I just brought it to the Chair's attention that some of the questions you posed to our witness would perhaps have been better answered by the chairman of the IWA. It would be the one going through the process of looking for the site and maybe you would like to hear the selection criteria that it is going through, because that seemed to be the direction of your question. Would you like that information?

Mr McLean: I was really looking for her opinion on how these types of things would be established. When the other people come, I will ask them also.

Mr McClelland: The concept of equity is thrown around oft-times and I would like to pursue it, at least momentarily. It is one of those motherhood issues—I do not mean that in a sexist sense—nobody could argue against at first blush. How far do you think that argument should be extended, or the precision or logic of that argument can be applied, in terms of equity, using it in the context that each municipality must take care of all the waste it generates? Do you see that as an absolute statement, to use your term, a bottom line, no conditions, no caveats attached thereto?

Ms Lloyd: I think each functional community must be responsible for its own waste. I would hesitate to discuss in great detail the relationship between the various sub-communities within the functional community of the greater Toronto area simply because I am not familiar enough with these communities. I could, however, discuss with you the relationship between Springer township and the municipality of North Bay. I do not think that would be particularly useful to you, but I could discuss that. In brief, the answer is that I think there are absolute corporate communities, boundaries, municipalities, and there are functional communities. I think Bill 143, particularly with the direction for the landfill site search, is written in the context of a functional community, that of the greater Toronto area.

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Mr McClelland: I will be very plain. The reason I am pursuing this is that it seems to me that it is all well and good to start with that position. I think it is a good point of departure in terms of a basic principle. But the reality is that if we use your terminology of a "functional community," it seems to me at any rate—I would be interested in your response—that the definition really begs precision for a variety of reasons, in terms of economic cooperation, economic reliance. To the extent that a consumer product is produced in your region, hypothetically, to what extent did I then buy into the equity formula of being responsible for that?

To the extent that somebody in Durham produces, bearing in mind the production of goods and services and commodities that are consumed across this province and perhaps internationally, where are the boundaries drawn in terms of the economic realities? If the argument is to be met, surely it must be carried through to its logical conclusion, to maintain one's intellectual honesty about this. How do you then begin to delineate the lines of, to use your terminology, "functional community," in terms of the economic reliance we have one for another in this province, the economic reliance that one community may have, the relationships that exist and the exchanges that exist?

I say that simply to say—I raise this in all candour with you—that I find it difficult to pay lipservice to something that sounds good, that I believe in personally as a fundamental principle, knowing that to carry it through in terms of its precision, with any kind of intellectual honesty, almost defies practical application, I believe, if one were to be blatantly honest about it. There is such an interchange. What would one do, conduct an expansive, comprehensive audit of those functional communities? There is the integration in terms of economies and in terms of the movement

of people in and around. Those are the kinds of questions it begs. Maybe you can provide some help on that.

I have another comment, and I would be interested in your response. I think you have done something very helpful here. On page 5 of your submission you talk about part III, the implementation of the minister's report. You talk about generalities and you say you are "uncomfortable with what could be the establishment of a precedent for unduly limiting public access to environmental decision-making." You then go on in the next paragraph to say that all parties, including the public, "must cooperate, participate responsibly and in good faith."

Quite clearly one of the concerns you have is that you do not want a solution imposed in the north by people who have—again using your terminology, I think accurately—"outside interests." Outside interests are coming in and trying to impose a solution to their problems in your backyard. Part of that is the "good faith" in acting responsibly. How do you respond to the fact that this legislation basically says to people who responded in good faith in terms of existing legislation—the environmental assessment process; Municipal Act; contracts and agreements; letters that were given to residents, particularly those who live right on the edge of the Britannia landfill; other pieces of legislation like the Environmental Protection Act, the Municipal Act, the Regional Municipality of Peel Act, the Municipality of Metropolitan Toronto Act, the regional acts; contracts and agreements that were undertaken in good faith, otherwise binding legal contracts—that, effectively, in the event we have missed any of those, we are prepared to go back by order in council to vitiate any agreements or any regulations that stand in the way of implementing the policy as dictated by one person, ie, the minister? How do you think that renders any probability of people setting out expecting to conduct themselves with any hope of having good faith on all sides, in light of Bill 143 taking away the good faith that people relied on, sometimes at great cost, sometimes in terms of locating their home in a given area?

Ms Lloyd: I think I will respond to your second set of questions and then have a go at your first set of questions. Quite reasonably, I think, I am not familiar with all the details of those letters, reports, agreements and the step-by-step procedures, whatever they have been, that have taken place previous to now with respect to each of those landfill sites, closures, extensions, expansions and so on. I think it is quite reasonable that I am not familiar with them. I would be prepared to discuss this with you in more detail if I was more familiar with them.

Mr McClelland: Actually I am saying that the general concept agreements are in place and this bill says: "Sorry, agreements are not binding. Legislation is not binding. We are changing the rules after you are well under way." How does that square from your point of view, from the north, as Northwatch, saying, "We could be engaging in a process right here that for all we know could change six months from now, nine months now, a year from now if the minister chooses to change the rules down the road"? That is essentially what Bill 143 is doing, so I understand what you are saying on part III and I have the same concerns

you do. How do you proceed in good faith under those terms? How do you proceed out of the north?

Ms Lloyd: No disrespect, but I think you want me to comment on a set of assessments you have made, which I am not going to do because I am not familiar with those steps. If you would like to provide me the material so I can be familiar with those steps and can make my own assessment, I would be happy to discuss it with you, but I am really reluctant to comment on a whole chain of events I am not familiar with, so I am not going to do that.

Mr McClelland: Okay, we could confine it then very clearly to the terms of the bill, where the bill itself says that the Environmental Protection Act does not apply, that the Environmental Assessment Act does not apply, that the Municipal Act does not apply. You would be familiar with those, I presume.

Ms Lloyd: I am familiar with the bill, but I think you are asking me to comment on a whole chain of events and how I should react to a chain of events and how they have been impacted upon by a piece of legislation now being introduced. I think that is what you want me to do.

Mr McClelland: No.

Ms Lloyd: It is not? Okay, let's try again, then.

Mr McClelland: What I am asking you is what sense of assurance, what sense of comfort level that gives you as a representative of people in the north, as a spokesperson for your organization, Northwatch. Do you have any sense of comfort level based on that?

Ms Lloyd: Bill 143?

Mr McClelland: Yes.

Ms Lloyd: Actually, we have a high level of comfort with Bill 143 because it is going to prohibit the export of GTA wastes—

Mr McClelland: For today.

Ms Lloyd: —to rural and northern communities. It is going to prohibit the incineration of GTA waste. We have a high level of comfort with both of those, for today.

Mr McClelland: And that is sufficient.

Ms Lloyd: I think it is part of our democratic process, part of the legislative process, that this might change. If it changes again, I expect and trust that there will be a review, that the parties in opposition will subject that legislation to scrutiny, as your party has done to this bill and is doing. That is part of our process. I do not really know how much further we are going to go with this.

Mr McClelland: That is fine. I appreciate it.

Mr Wiseman: I would like to turn to the first part of the bill, which is the Interim Waste Authority and the establishment of the crown corporation of the Interim Waste Authority to search for three landfill sites in the GTA.

Just as a preamble to that, you mentioned the Solid Waste Interim Steering Committee earlier on and searching for dumps. One of the things that happened was that two sites were selected by the Liberals. One was site P1 in Whitevale. It was a greenfield site. It was to be opened under an Environmental Protection Act, which was considerably scoped from any kind of Environmental Assessment

Act hearing. That was done by order in council by the previous government. That was the same as site 6B and so on.

The reason I am here is because I fought that, because I did not think it was right for them to do that. Out of that battle came very much the criteria that I personally thought would be the most suitable for finding landfill sites. Just by coincidence it happens to be what we have before us, in terms of the IWA. But what the first section of the bill does, which I think is very important, and I think it answers Mr McLean's question, is that it makes the IWA into a crown corporation. Having done that, it has legitimized the process for finding long-term landfill sites in the GTA.

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One of the things the Interim Waste Authority has done has been to create a draft document on how to find a landfill site, so this bill does answer the question of what the criteria are for doing a site search for a landfill site. As you can see, it is rather lengthy, so I am not going to read it right now, but it goes through protecting agricultural lands, hydrogeological studies of the ground and the water tables, proximity to neighborhoods and urban areas and so on. It is very much an a priori document setting out criteria for landfill sites. My question really is whether or not you feel this has been made public enough. Did you know this document existed as part of the legalizing process of the crown agency, the IWA?

Ms Lloyd: In honesty, I knew siting criteria had been developed. I was not certain whether they were specifically part of this legislation or not. I did know the siting criteria had been developed. I know there was a series of consultations last winter and spring, and there was discussion of siting criteria at that time.

Northwatch and some of our member groups in north-eastern Ontario participated in those consultations. We pulled out at a certain point when the discussion moved to the siting criteria within the GTA, the discussion of possible sites and so on in the GTA. We pulled out of those discussions not out of indifference to the greater Toronto area's waste management problems, but because in our own region we have a number of our own problems. We are a volunteer organization. We are without staff. We have a number of issues on our desk in any given hour. Not meaning any indifference or disrespect to the GTA's problems or the process that was going forward, we discussed it and decided to have that process go on without us. I was aware siting criteria had been developed, but I am not familiar with those criteria.

Mr Wiseman: Part of the debate in my riding, particularly around Brock West, was that Metropolitan Toronto would move its garbage from one jurisdiction into another. Because of the transportation proposals by Notre Development and so on, we developed a very clear feeling that it was wrong to do that and that Metro should take care of its waste close to home.

It seems this is not just a local issue any more. According to the Basel convention in Switzerland, nations are now beginning to come to grips with the transportation of wastes transboundary and are saying that the guiding principle is that you should take care of your waste as close to

the source of that waste production as possible. Are you aware of the Basel convention and would you consider that something we should be working more towards?

Ms Lloyd: I am aware of it, but with regret I am not familiar enough with it to comment on the specifics. I have a general impression that is a positive one, but that impression is based on having heard references to it. I am not familiar with it in detail.

Mr McLean: There are four main parts to the implementation of this. Would you agree with most of the bill? Is there any specific part you do not like about it?

Ms Lloyd: In general, we support the bill. In general, we have assessed the bill favourably. We have feelings of caution or discomfort with section 3 and the disadvantages of not having a full approval or assessment process for anything of potential environmental consequence. We have some areas of discomfort. Certainly in part IV we have looked at the Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1, the regulations, and there are parts in it that we think could be strengthened. There are a number of areas that we have some specific comment on, but in general we have greeted the bill quite positively and think it is a piece of legislation of overall benefit for the province.

Mr McLean: The presenter before you raised the same concerns with regard to section 3 with regard to the fact that environmental assessment does not apply and Ontario Municipal Board approval is not required. Are there any recommendations forthcoming that you feel would satisfy your concerns with regard to that section?

Ms Lloyd: This is where, when I say there is a bottom line, we get into trouble, because six months ago, it is my understanding, there would have been enough time for a full review process. Six months go by and there might not be time. I think what needs to be done is that we need to look at the amount of time available, the questions that need consideration and then scope or scale the review to allow public input, public review and citizen participation, but to do that with the greatest efficiency and the greatest effectiveness.

This is a dilemma and I do not have a solution to it, but again, referring to my own community, we have seen a situation where the assessment process has not gone forward with due haste and due effort. Certainly there are individuals within the administration of the city of North Bay who would differ with me fervently on that, but that is our assessment. So it is a dilemma because there has to be a full process, but there also has to be some consequence when that process is not invested in diligently enough.

In this particular instance, I think the solution or the way out of a bad situation is to have a scaled down or very scoped review with participant funding, and I would suggest that perhaps the completion of the minister's reports are the times to do that, I am not certain. Others more familiar with the exact situation—

Mr McLean: I never really got an answer to my question.

Ms Lloyd: I am sorry.

Mr McLean: But I want to tell you that I will bet you that if Jim Bradley were still Minister of the Environment, I know who would be here wanting a full environmental assessment on whatever is going on.

Ms Lloyd: I have to say in response that our experience with Jim Bradley in getting a full environmental assessment when the situation warranted was not a good one. I offer you the instance of the Red Squirrel Road environmental assessment, where we had a record number of requests. I believe in the neighbourhood of 700 requests, for a hearing, for that environmental assessment and we were refused. We were refused because of undue delay or unacceptable delay. I am really sorry to say with regard to that that on any suggestion Jim Bradley is the saviour of the environmental assessment process, I just have to look at the Red Squirrel Road and at that scar that goes through that land. I cannot accept your suggestion that if Jim Bradley were the deciding figure in every situation, we would always get the answer we need, because that is simply not the case.

Mr McLean: I was trying to refer to who was the critic for Environment at that time, not really to what Jim Bradley was doing. But I know who the minister is now. It is an interesting subject because last night I was reading about some environmental problems that took place at the Red Squirrel Road and it was interesting to note that regardless of all the talk that went on at that time and what they were going to do, there has been nothing done.

Ms Lloyd: Nothing done in terms of the terms and conditions of the environmental assessment approval being made?

Mr McLean: That is right.

Ms Lloyd: I think the road was built when it should not have been built, and the fact that the same government that built it then decided it should not have been built is pretty good evidence we should have had a hearing. I think it fairly disqualifies suggestions that any government to date has been perfect in its environmental assessment review history, because it is simply not the case.

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Mr Martin: I just want to say that I found your brief to be well prepared, insightful and positive. I liked the context within which you placed some of your more specific comments and I liked some of the references you made to sustainable development, renewable resources, the conserver society and that bigger question. I know there are some immediate problems in the greater Metro area that we need to tangle with and resolve, but my concern is for the longer haul.

I guess the longer haul, for me, probably speaks most to our becoming involved in discussion around how we might actually do sustainable development and renew resources, and of course that brings us to recycling. Do you see anything in this bill that would in any way inhibit or support a recycling industry in northern communities?

Ms Lloyd: Actually parts of part IV, by allowing the minister to fund and provide financial incentives, will aid and assist industry and municipalities in implementing recycling

and reuse programs. I actually see the bill as being of great benefit in the north to the recycling and reuse programs.

Mr Martin: I know you made comment here, and certainly those of us who live in the north will echo it, that we do not want to become the garbage dump of southern Ontario. However, I think we also feel some responsibility for our neighbours to the south. In your mind, would there be any way of entertaining a discussion around helping them with their problem re the whole question of recycling? Again, would this bill in any way enhance or inhibit that discussion?

Ms Lloyd: I am not quite sure what you are suggesting. If you are talking about the north being able to use recycled products or retrieved material from the south, then we have sort of moved into another discussion, because then it is not actually waste. It is a good, it is a product, in the same way as the south uses our timber or our pulp and paper. Then certainly I do not see any difficulty in there being a transport of goods, because that is what it is. The residual waste is a waste, but the recyclables are not waste; they are goods.

I certainly do not see any difficulty in there being a transport of goods, as there has always been, generally speaking, in that exchange between north and south. As you know, the raw resources have come south and the finished goods have gone north. It would actually be quite a welcome change. If we could flip that and have some of that manufacturing and value added activity done in the north, that would be a very welcome change.

I do not see this bill specifically setting out those industries in a step-by-step fashion, but I think that for some of our own communities in the north, by aiding and abetting them in their recycling initiatives or efforts, it makes it more plausible. It makes it more feasible because we are going to have a greater ability to separate from the solid waste stream at home with some of the assistance that I see coming from this legislation. Then it is a step-by-step thing and then there is certainly the potential and, I think, an attractiveness to having some of the value added industries in the north.

Mr Martin: There was one other point that you made about local autonomy. I think it is really important for communities truly to be able to dictate and decide for themselves what they want to become involved in. There is always the looming question of the community around the Adams mine proposal. Was the Boston township in agreement with the mine being used as a dump site?

Ms Lloyd: Boston township was not. The communities of Kirkland Lake, Engelhart and Larder Lake were in agreement, but none of those communities contains the Adams mine site. The Adams mine site is in Boston township.

Boston township is part of a service board. The service board is made up of Boston, Elizabeth, Pacaud and—I am sorry, I have lost the fourth township. Boston township is part of a service board of four townships. They are a fairly recently established local service board and they actually, in their establishment—there is a circle drawn around the Adams mine site and it is exempt from the jurisdiction of that service board, which we found quite exceptional at the

time because the local residents were organizing local service boards. It seemed quite exceptional that the Adams mine site would be exempt.

It is sort of an island floating on its own. It has Boston township as part of the local service board and the Adams mine site is exempt. The adjacent or nearby communities, the municipalities of Kirkland Lake, Larder Lake and Engelhart, are offering Boston township up as if it were their own when in fact it is not. It is decidedly and well outside their corporate boundaries, which has been one of the other ironies of the debate. The site is often referred to as the Kirkland Lake site. It is in fact not the Kirkland Lake site; it is in Boston township, outside the jurisdiction of that municipality or of the mayor and council.

The Chair: Mr Sola, you have three minutes.

Mr Sola: I would like to read from the bottom of page 5 of your brief about part III, where you come up with this strong statement: "All parties must recognize that there are constraints, that there are realities, and that if their choice is between waste reduction, garbage left at the curbside or an undemocratic process...." That seems to be strong. Then you seem to blow it with the rest of the statement.

Ms Lloyd: Blow it?

Mr Sola: "...would be well advised to make the best choices in the best combination." In other words, an open-ended choice. Which choice would you make among those three?

Ms Lloyd: I think the first choice is waste reduction. One of the difficulties in the bill and in our discussions, certainly in our discussions today—perhaps as one of the presenters I am in part at fault—is that the first priority has to be waste reduction. We have to reduce, reuse, recycle. So that is the first choice. If you are asking me what my first choice is, it is waste reduction. I think there is a long way to go before we have come to an exhaustive end of our waste reduction. The bill goes some distance, but I think there needs to be a commitment on literally everyone's part: the municipalities, the province, the citizens, the individuals.

Mr Sola: Okay. What sort of choice, though, is the second choice you have put in, the garbage left at the curbside?

Ms Lloyd: If no resolution is arrived at, if the municipalities and the province cannot come to an agreement, if the landfill site—the point I was making is that if a landfill site is full, then what are the options? There is a bottom line. What are the options? If a landfill site is full, were does it go?

Mr Sola: Would you not think that "left at the curbside" would be the least viable option?

The Chair: Thank you very much, Mr Sola.

Mr Sola: Is that three minutes?

The Chair: Yes, the time has expired for the presentation. I want to thank you very much for appearing today. If, over the course of the hearings, there is additional information that you would like to share with the committee, please feel that you can do so in writing.

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ASSOCIATION OF MUNICIPALITIES
OF ONTARIO

The Chair: I would like to call next the Association of Municipalities of Ontario. I see the president. Members have received a copy of your written brief and have it before them. You have one hour for your presentation in total; the time is yours to use as you please. The committee has requested that you leave, if you can, a half-hour available for questions, but it is up to you to decide how much time you need. Welcome. Please begin by introducing yourself.

Ms Cooper: My name is Helen Cooper. I am the current president of the Association of Municipalities of Ontario. I am also the mayor of Kingston, so I am afraid on this particular issue you have to appreciate that it is really very difficult to divorce AMO interests from more parochial interests. I may interject a few comments. I trust you will understand they are based on experience.

You have the brief in front of you, as the Chair has pointed out. I certainly have no intention of going through it recommendation by recommendation because I appreciate that at 3 o'clock in the afternoon you may be winding down a bit. Instead, I would simply like to make reference to the presentation to the hearings that was made by the minister herself. I understand there is new information as a result of that and recognition of several of the points AMO made in its response document to this bill. Perhaps I could, therefore, to a large extent respond at this point to the minister's comments, on our understanding that her comments will bear a great deal of relevance to what the final bill will look like.

First of all, may I say how very sincerely I appreciate being here today. When this bill was presented to the House prior to Christmas, AMO became extremely active because we were most concerned that this legislation could be passed prior to Christmas without any form of consultation whatsoever. As municipalities that are the major providers of service in the area of waste management virtually everywhere across the province, we had major concerns and had in no way been consulted on the content of the bill. We are now, as I have already said, therefore extremely grateful for the opportunity to appear before you.

The minister said in her speech yesterday that there would be consultation with the regional municipalities and public members involved, plus consultation on future initiatives papers. We have had Ministry of the Environment consultation on its initiatives paper and other measures being developed, but we would ask in future that we be considered prior to any legislative policy or regulatory proposal because we really do end up in a terribly reactive and mopping-up exercise, as I say, as the jurisdiction primarily responsible for implementing what in this case appears to us either unfair or unworkable legislation.

First, our major contention, and I think there is ample evidence for it, is that the province should be working to develop a Waste Management Act, separate from the Environmental Assessment Act, that addresses solid waste management for all Ontario municipalities and that applies equitably and fairly to all Ontario municipalities. The

minister said in her speech yesterday that Bill 143 is being introduced and the environmental protection legislation is being set aside for the GTA because contingency disposal measures are needed to fill any gap between the current time frame for GTA landfills and the opening of new long-term landfill sites. I can assure you as a municipal politician that this is not a problem unique to the GTA. If anything were designed to produce friction and resentment among GTA and non-GTA municipalities, this bill has done a great deal in that regard.

The minister said that only the Britannia sanitary landfill site in the region of Peel now needs emergency assistance as it will reach its capacity this year and that the Keele Valley and Brock West landfill sites are not now in immediate crisis—we recognize that the word "crisis" is our word and not her word—so they do not require the immediate powers of Bill 143.

AMO argues that many other municipalities are facing at least as much or more of a crisis than GTA landfills. We received accurate information yesterday that there are 80 landfill sites predicted to be closed in the province in 1992; those are, as far as I am aware, other than Britannia, all outside of the GTA. It is simply not fair that GTA landfills be dealt with in one manner while the rest of the province continues to labour under what is the long, expensive and inefficient environmental assessment process.

I would like to put special emphasis on the word "inefficient." We could accept "long" and we could accept "expensive" if we were getting anywhere, but the current environmental assessment process for landfills for most of us looks like a total dead end; years and years of laborious effort on ever shifting ground. Most of us see environmental problems not being addressed all around us as we have to continue to operate under the current system.

We therefore argue that with no predictable outcome through environmental assessment, as is currently the case, we are not serving our citizens very well. If we are looking at issues of inefficiency, particularly with respect to spending money, which I think at the moment is a preoccupation of the current government, we would argue vehemently that there are many dollars being wasted in this exercise, which serves none of us very well and certainly does not serve our citizens very well.

AMO sees Bill 143 as an admission that the environmental assessment process does not work for waste management and landfill siting and we therefore urge that a new Waste Management Act be addressed as soon as possible. I can say that for many municipal politicians who have been confronted with the landfill crisis there is the perception in their own municipalities that they are to blame and that they have in some way behaved incompetently, and I speak from very personal experience in that regard. I suggest that as a result of the circumstances of Bill 143, the minister has recognized that the environmental assessment process does not work either. Therefore, in that regard we feel a little bit vindicated, but we ask that it be recognized that it simply is not working. It is not that municipal politicians are any less competent than provincial politicians. It is just that the system is hopelessly out of whack with what it is attempting to do.

We would like to raise a few other points. The minister made a statement against incineration of waste and the transportation of waste, even if it is to a willing host community. We suggest very strongly that these matters be removed as rapidly as possible from the realm of personal preference of the minister to some form of regulatory device with the provision of empirical evidence. Again, I can speak from very personal experience. The debates in local communities are going around and around on these issues and we will be generating vast amounts of heat and very little light until there is some clear direction from the current government as to what its regulatory intent is in this regard.

Could we please sort this out because waste management master plans, traumatic enough already, are going through ever more intense trauma and a great deal of pressure from citizens' groups, as you can well imagine, as to whether incineration is in or is not, and as to whether trucking garbage to New York state is in or is not. We would suggest that at this point these matters are still not adequately clarified.

We are extremely pleased that section 19 on injurious affection is proposed to be amended, as we had argued that it was precedent setting and that there is already adequate existing protection for land owners.

We understand the minister proposes to amend section 26 of the bill to leave her responsible for requiring municipalities to take certain action on waste instead of delegating authority to a Ministry of the Environment director. We are extremely pleased with that. A ministerial directive on its own represents a certain message, since they do not occur frequently. We were very concerned with what is already an immensely fragmented process in terms of waste management master planning going on in isolated sectors with varying degrees of success across the province. With six regional directors, each potentially giving out different messages, we would be even more likely to be confused than we may be at the moment. Therefore, we are glad that provision has been removed.

There is a philosophical issue here as well in having a public servant of one order of government issuing policy directives to political bodies of another order of government. I suggest it be politician to politician. It is more polite, if nothing else.

1510

We understand she proposes to remove the emergency power proposal in section 26. This would have allowed the minister to order municipalities to assess waste management needs and prepare plans. We are also extremely pleased that this proposal is on the table because we argue that we, the municipalities, are already undertaking these actions. We are the ones who have to collect the garbage and therefore we recognize we are in the front line, when it comes to issues of responsibility, to ensure that these actions are undertaken.

I speak from personal experience at the time of our landfill crisis last year. Of course the first reaction of people very often is: "Let's get the garbage trucks down to Queen's Park. Let's protest by simply saying we will not do this any more." But of course that kind of resentment and anger evaporates very quickly because we still recognize

that we are there to provide service to citizens and in terms of any arguments or disputes or negotiations between our order of government and the provincial government, we are not going to hold the citizen at ransom.

She is proposing a five-year maximum limit on any provincial order requiring a municipality to accept waste from outside its boundaries. That is certainly an improvement. I must say that this part of the bill seemed to make absolutely no sense to us whatsoever. Municipalities all across Ontario have been engaged in master plans, ultimately to go through environmental assessment where we have to establish that we are siting landfill that fills a certain need over a certain specified period of time. If the ministry was then going to be able to order us to take other people's waste, one has to look at having been engaged in a waste management master plan for 10 years and say: "What was the point? It made absolutely no sense whatsoever."

This is an improvement, but in terms of municipal reaction, I am sure municipalities that currently have adequate landfill—"adequate," whatever that means—recognize that it is an economic benefit far greater than a gold mine at this stage. They would probably still be protesting very loudly even at a five-year maximum limit. If we are to undertake planning at some sort of local or regional level, we cannot have some arbitrary force taking over that planning exercise to fulfil an emergency for another piece of legislation that does not work, that is not our legislation.

Then we understand that section 33 is to be discussed, that its fiscal implications are to be discussed with us as part of the disentanglement process. From our point of view, anything that directs the issues to disentanglement is something we strongly support because we view this exercise as the most important undertaking the province and AMO have ever jointly recognized.

Therefore, we are very pleased to see that changes are proposed at this stage. All, we suggest, are in some way far more constructive than the original writing of the bill. Many other components, such as most of the provisions for reducing packaging and encouraging the private sector to reduce its waste, are issues that we of course heartily support. AMO looks forward to continuing to work with the Ministry of the Environment. As I suggested at the very beginning, we would like to do it before a legislative process rather than during or after. But we still very vehemently believe that a new Waste Management Act would far better serve us all than to try to do this kind of patch-up job that recognizes the problems of one particular area of the province when there are other areas that are in equal or much greater need.

I have two other summary comments in terms of the original report you have received, with respect to recommendation 12 and recommendation 20. The issues are monetary.

As you can well appreciate, the whole principle of disentanglement is accountability where funds are raised. Therefore, any proposals that tend to suggest provincial intervention when it is the municipality that is forced to raise the money and thus be accountable to its taxpayers through the property tax system are issues with which we are concerned, whether it be this bill or any other bills. We are suggesting the proposals are far too intrusive into the

area of municipal jurisdiction and municipal management, and hence municipal cost control, of which I also can assure you we are more than a little concerned at the moment, as are you.

That completes my presentation.

Mr McLean: I want to thank you for your brief. I can observe now why the minister wanted to have it passed by December 21, from what I have heard so far on this bill. I am an old municipal politician. I had 15 years before I came here 10 or 11 years ago. The problem we have is with regard to some definitions of planning and some criteria laid down whereby municipalities would have a guide whereby they could establish a landfill site. We have spent millions of dollars on hearings in Tiny township, and still no landfill site.

There is nothing in the bill—I am wondering whether in your opinion there should have been something in the bill—that would lay out guidelines, give the municipalities the criteria whereby they could apply and have a landfill site established within five years. It has been going on for 8, 10 and 15 years now. There is nothing in here. I believe your garbage is now going to Ottawa, is it not?

Ms Cooper: Yes.

Mr McLean: How are you ever going to establish a landfill site in the Kingston area?

Ms Cooper: I do not know. It is still a long way away. I think your question directly relates to the point we are making concerning a separate Waste Management Act. I do not think the way to do this is to try, as I have called it, the patch-up job proposed in this bill.

To explain the current waste management master planning process, as I attempted to do a couple of weeks ago to our local Rotary Club, is a very difficult exercise. It is also very difficult for people to understand why municipalities or groups of municipalities across the province are engaged in what seemingly are very repetitive exercises, each in their own little cocoon, so to speak, with each of us, every time an EA decision comes out, such as Meaford, pouring over these things with our consultants and saying: "What have we done wrong? How much backing up do we have to do? What can we do or not do as a result of what appears to be the latest directive that has come out of a tribunal decision?" Yes, the ideas you suggest are very welcome, but we suggest they require separate legislation.

Mr McLean: Is AMO going to make any further recommendations with regard to that type of thing?

Ms Cooper: We have already. We have extensive documentation in the area of waste management, on the waste management master planning process, the environmental assessment process, waste reduction initiatives and so on. There are our comments on the development or otherwise of policies in the 4Rs. We would more than happily distribute those to you, but we have been working on this for a long time now because, of course, this has been a priority issue for a lot of municipalities, especially since the late 1980s.

Mr McLean: Has the ministry a copy of those recommendations?

Ms Cooper: Yes, but we will ensure you receive them.

Mr McLean: I am surprised they did not consult with you before the bill was drafted to make sure some of those recommendations could have been part of the bill.

1520

Mr McClelland: Thank you for being here today. I appreciate your representing not only your community, by the by, but also—

Ms Cooper: I am trying not to be parochial.

Mr McClelland: It would not be consistent if you did not at least represent your community, as you always do so well. One of the things in your brief is a general comment with respect to the provisions of part III of the bill, which essentially override municipal agreements and other laws regarding the siting and selection of landfills.

You make a general comment in your brief, and I would ask if you would be good enough to flesh out somewhat the position of AMO, with respect to the precedent and the message that has been received by members of AMO with respect to the action being taken in part III of the bill that says agreements that have been made between municipalities and any other law that might affect this is of no force and effect for the purposes of implementation, as you say, of solving a crisis in one particular area.

Ms Cooper: Yes. If I understand your question correctly.

Mr McClelland: It refers to the top of page 3 of your brief.

Ms Cooper: I should explain that in making my presentation today, we acted on more recent information, so I did not make too many direct references to the brief itself.

Part III is an extremely confusing section for us because what has been the tradition in the province thus far has been for municipalities or groups of municipalities to undertake a planning exercise for the location of a new landfill based on their need for that. Some, of course, are presumably further along than others as a result of their current provisions. The regulatory powers proposed in part III make a mockery of that planning process. What it suggests is that one works on a planning process for a particular community, for a particular capacity, for a particular period of time and then somebody else can come along and say, "Sorry, you may have been doing that for the last 10 years but it did not really mean very much after all."

What it is doing, of course, is pitting municipalities against each other. From our own experience in terms of extensive negotiations with Ottawa-Carleton—and it was an election year as well—I will for ever praise the magnanimity of the local politicians in Ottawa-Carleton. They did not have to do what they did. They were just very kind.

However, as we all are under severe and increasing financial pressures from a variety of fronts, we simply will not be able to afford to jeopardize the interests of our own citizens to help other citizens in the province outside our jurisdiction. It seems to me this is generating a great deal of unnecessary hostility.

Mr McClelland: Some significant changes in terms of statutory authority pursuant to Bill 143: Certainly other legislation would be impacted or responsibilities now resting with municipalities, apart from Bill 143, could be

impacted. I know AMO and you personally have been involved very much with the Ministry of Municipal Affairs in looking at a comprehensive review, a whole body of legislation that impacts municipalities. That process is under way, I understand, and continues. It is well along at the present time. What are the implications of Bill 143 with respect to the overall scheme of consultations taking place with the Ministry of Municipal Affairs and with specific reference to those implications in terms of time frame? What is the impact of Bill 143 in the time frame of that whole statutory review?

I guess it is two questions: Bill 143 as it impacts other statutory reform and should Bill 143 be put on hold until that comprehensive reform and review is completed and is addressed, if not in whole, at least in part?

Ms Cooper: I assume you are referring to the commonly titled process of disentanglement. The disentanglement process—I referred to it briefly in my summary statement to you—is trying to ensure accountability in a variety of processes that have become more and more confusing. Certainly the intent of Bill 143 is contrary to the general philosophy of the disentanglement process.

It is fairly evident that the bill would give statutory powers to the ministry to intervene in what has traditionally been a municipal responsibility. I do not think we are trying to duck what has traditionally been a municipal responsibility, but at this point I think we are suggesting that through the implementation of a separate act we would then have the appropriate legislation to get on with what we want to get on with. Bill 143, by interjecting powers over determination of where waste can be placed and vesting those powers in the province—although we now understand they are with the minister and not with a director within the ministry—is contrary to the philosophy of disentanglement.

With respect to timing, we see disentanglement not as something that is going to end up with a report on a particular day in three or four years' time from now; we see it as an ongoing process. We trust there will be changes in time where the most obvious problems occur. We would therefore suggest a Waste Management Act that could fit itself into the disentanglement process. Were we to have that instead of what we regard as a much more reactive measure enshrined in this bill, we could meld it into disentanglement in a much more rational fashion.

In terms of time frame, we have just got the exercise started. We have not had the first steering committee meeting yet, but that is coming up shortly. We could be negotiating a timetable and our proposed act could fit into that timetable in a way that would suit the ministry as well in addressing its immediate GTA waste management problems.

Mr McClelland: I wonder if I might ask, your worship, for comments on two of your recommendations. Please feel free to add anything that comes to mind or add anything else that has been brought up previously. They are recommendations 17 and 18 specifically, on page 31 of your brief. Perhaps you might comment on recommendation 17. I should let you know that I asked yesterday for the tabling of any kind of studies, analyses or documentation relied on by the ministry, and the minister particularly,

for the justification of elimination of any options, whatever those options may be. In other words, our position is that we should at least be open-minded, look at all options and make evaluations based on empirical data and information that is scrutinized as rigorously as possible. Presumably an independent body would make a decision accordingly. I ask you to comment a bit more fully on recommendation 17.

On recommendation 18, section 13 really narrows it down to Durham, York, Metro and Peel. I take it by the implication of recommendation 18 that AMO is not particularly satisfied that the Minister of the Environment has a good handle on estimates available for York, Metro, Durham and Peel. I would like some clarification of how and why it is the case that the information is not being exchanged, with at least some distillation of the two sets of data to come to some workable database.

1530

Ms Cooper: I will make a few comments in response to your question. I will ask Noelle Boughton to respond more fully in terms of the work the association has done through our standing committee. Recommendation 17 attempts to state that the practical implications of waste management master planning, the determination of waste disposal for those of us in the field, so to speak—or in the trenches, wherever it is we are—based on statements of ministerial preference is virtually impossible. That does not quell the local debate as to whether incineration is appropriate or whether trucking across a border is appropriate. It leaves local officials in a completely untenable position of saying, "I am sorry, but we heard they do not like that in Queen's Park so we are not pursuing it any further." That is not very satisfying to one's local constituency at all.

In our case and I am sure, in many other cases, there are some very intelligent people. In the case of Kingston, of course, we have a great abundance of academics who have a huge variety of theories on what is an appropriate disposal technique and what is not. They are quite prepared to engage in these debates with us at the local level and we have no backup, other than to say, "The current minister does not seem to want to pursue this course of action."

What we are suggesting is that we require regulatory direction at least, if that is the case. I would suggest, on our experience, that it be based on some form of empirical evidence, because we sense very strongly that the citizenry is demanding it. People may well accept that certain alternatives are not acceptable, but they do not want to do it on the basis of one person's opinion at one particular time. They want to do it on the basis of some kind of evidence.

Mr McClelland: Can I ask if we could forgo a comment on recommendation 18 for the time being, because Mrs Fawcett wants to ask a question.

Ms Cooper: Okay.

Mr McClelland: But I would be interested in knowing why that data—

Ms Cooper: I cannot answer that question. We would have to get Noelle to do that.

The Chair: Mrs Mathysen.

Mrs Mathysen: I would like to say thank you, your worship, for coming here, because I think the resolution to our problems regarding waste management is very clearly going to be found with the kind of cooperation with municipalities that you have so clearly indicated you are offering.

You said, and I have heard the minister say it too, that the current EA process is ponderous and is simply not working. The environmental assessment process is being reviewed under the environmental assessment program improvement advisory committee. They have held some public meetings. Was AMO part of those? Were you involved in that review process?

Ms Cooper: Yes.

Mrs Mathysen: Was that a satisfactory beginning, or could you describe it? What point are you at?

Ms Cooper: It was prior to my presidency. I will have to defer to those who were more involved in it than I. The only brief overview comment I can make though is that location of landfill is not just the EA process itself; it is the working towards even getting to that stage that is just as cumbersome or even more cumbersome. As EA decisions come out on landfill, as I explained earlier, those who are still engaged in the planning process have to do this kind of backup. Almost a form of paranoia has developed about these planning exercises, that if we do anything that is not right before we get to EA, we are going to blow the whole thing. Of course, that tends to lead to indecision or certainly to decisions not being made as quickly as they might otherwise have been.

What we are suggesting is that not only EA with respect to waste management needs to be re-examined, but the whole planning process needs to be re-examined as well. In terms of EA, Noelle, could you answer that for us, please?

Ms Boughton: I would be happy to. I am Noelle Boughton. I am the policy analyst who deals with environmental issues for AMO. AMO was involved with the EA process and continues to be involved with it. They issued a report and registered the fact that they were not very happy with what they were seeing addressed in that change. That is a process that is still ongoing. There is going to be a lot of work on it, but as Ms Cooper was saying, it is a long process even just to get the changes made and the changes we are seeing, the signals forthcoming at this point, we are not sure are going to address all the serious problems municipalities have with that.

Mrs Mathysen: Thank you.

Mrs Fawcett: We are really very happy to have you here, and that we are able to have these hearings. I have not been able to find in your brief and I do not know whether AMO has any thoughts on the inspectors who are now able to come in, and perhaps with police backup etc, do tests on any land they deem fit. I am just wondering if you have any comments on that part—it is under the Interim Waste Authority—whether that was dealt with at all.

Ms Cooper: I was not part of the committee discussions that formulated the brief. I would have to defer to Noelle in that case.

Ms Boughton: That is not a point we spent a lot of time dealing with.

Mrs Fawcett: So it does not seem to be a problem with AMO and people?

Ms Cooper: It is not one that has been identified at this point. As you may appreciate, because of the time frame of the act's introduction and needing to get a response together, we could not go into every single little detail in the paper, but that was not one that was immediately raised by all municipalities.

Mrs Fawcett: I wonder if possibly it would affect the rural portions of Ontario more, simply because that is where the space is. One other thing is that with county reform, counties are now being made responsible for waste management. Do you have any extra comments on that, that AMO discussed, or is it a problem?

Ms Cooper: No, not at this stage. Knowing the process we are engaged in in the location of the new landfill sites, there is no way a small municipality would engage in this exercise on its own. I doubt that any would argue at this point that they would even try.

Mrs Fawcett: In Kingston, for instance, are they working closely with the surrounding county on these kinds of things?

Ms Cooper: Not in our particular circumstance. We are working jointly with the township of Kingston, which is a misnomer; it is a municipality of almost 40,000 people.

Mrs Fawcett: The greater Kingston area.

Ms Cooper: Yes. I can go on about waste management at great length, but the process is getting more and more complicated because when that planning exercise started, it was to locate a new landfill. Times have changed, but the process has not and it is very inflexible and very difficult to work with. Now, of course, we want to develop diversion composting, all these great things, but we have two other suburban municipalities that got into blue box with us and want to be part of the diversion plan. We have now negotiated with them to include them in the diversion part of our waste management master planning, but not the landfill part, because they have landfill.

However, we are being warned by lawyers that we may be jeopardizing our entire planning process when we get to EA. We will not know until we get there. I guess at some point you have to say: "Enough is enough. Legal or not, this totally defies logic. We will just hold our noses and plunge in and hope that at the end of this, because we have made what we regard as an extremely rational decision to include two new partners at this stage, we will not jeopardize the process." We just say, "We're taking that risk."

1540

Mrs Fawcett: One final question.

The Chair: No, I am sorry, your time is up. The parliamentary assistant would like to make a comment briefly on the first question you asked, for clarification.

Mr O'Connor: You asked in your first question about the power of inspection and how this relates to the powers other municipalities have as regards inspection and landfill.

Jim Merritt from the ministry could perhaps enlighten us and answer your question.

Mr Merritt: Just a little bit of detail for you: The powers of inspection given to the IWA—Jan Rush could give you even more detail on it, but you might not need that much—are generally consistent with the powers that municipalities already have, if they were undertaking this work and trying to go through a selection process.

Mr Martin: I was interested in your comment regarding the disentanglement process, and certainly I would agree with you that it is one of the more important initiatives of the government in light of our relationship with the municipalities. In my own municipality the mayor and I have talked about that on a number of occasions. In light of that, the Ministry of the Environment has always been a regulator of waste management. This act simply expands on that to include the 3Rs. In the disentanglement process, do you see the provincial government still playing a role in the approval and regulation of waste management proposals and 3R proposals?

Ms Cooper: Yes. The Minister of the Environment has extremely important and necessary regulatory powers, because among other things we have to remember that waste management is not exclusively in the public sector. It is also a very important industry. There will always be a need for regulation in what is an extremely important environmental issue.

But this bill goes far beyond the issue of regulation. This bill goes on—the proposal as originally written—to become an intrusion into municipal administration and hence very directly how a municipality spends its money in an area that has been traditionally the domain of municipalities. That has all kinds of side-effects in terms of our other areas of jurisdiction. No matter how many priority setting exercises we go through and all the rest of it, if somebody outside our domain controls a significant portion of our budget then we have lost our ability to be accountable and that is the whole point of the disentanglement exercise in the first place. In our opinion, this bill goes far beyond a simple issue of regulation.

Mr Martin: I recognize that we would not have got into the disentanglement discussion if we did not sense there was a problem there. Yes, new legislation will bring new challenges regarding how it fits and how we work together around this now as opposed to what we had. You are aware that the government is coming out with a paper on the waste management master planning that we are involved in. Have you participated in that discussion yet?

Ms Cooper: No. What has AMO done at this point in that regard?

Ms Boughton: On the waste management master plan process, we had originally done a report on the problems we saw in that area. We have had a representative sitting on the MOE working group that has been working on the document that I gather has gone forward into the process. We have had a number of consultations with the MOE regarding possible things that will be coming out when that paper is released. I gather it will be released some time

in the near future and we will be commenting on that as we have with the other documents.

Mr Martin: Is there any sense that process will allow you to deal more fully with some of the concerns you have than how you feel at the moment?

Ms Boughton: We have not seen the document yet. Early indications are that some of our members have seen the document and there is some concern whether that will address all our concerns, but we are reserving judgement until we, as an association, have actually seen the document.

Mr McLean: I believe it was Bill 208 that gave the municipalities, the counties and the regions the right to take over waste management. Can AMO tell me how many counties or regions have done that?

Ms Cooper: I will have to defer.

Ms Boughton: You were asking the number of municipalities involved in the waste management plan?

Mr McLean: Have there been many? I know Simcoe county has not, and I do not know of other counties that have taken over the waste management.

Ms Boughton: The most recent information I have from the Ministry of the Environment is that there are 40 to 43 municipalities involved in the waste management master plan process at some stage. I gather the new document that will be released is going to address the fact that a number of them are in process already and will try to bridge the new process with what is happening in the old processes in those municipalities.

Ms Cooper: The number I have always used is 44, which I think I heard at some kind of workshop. I do not think I dreamed it up.

Mr McLean: With what we are hearing today, you are telling us you are very strongly opposed to this bill.

Ms Cooper: Yes.

Mr McLean: You would want to have further meetings with the ministry before the bill is passed.

Ms Cooper: Yes.

Mr McLean: I just want to put a question to you to find out where you stand on the bill. Your 20 recommendations are very thorough. I share your frustration, but I am not so sure the ministry shares the frustration, when you were not contacted in the first place and were not asked for any input. I wonder how many other organizations are in the same situation. Is the Rural Ontario Municipal Association involved in this?

The Chair: I think it is unfair to ask AMO to comment on other organizations, Mr McLean. It might be best if you addressed them directly.

Mr McLean: I will just thank you for your time here. When I was in AMO, we were involved in other organizations and we brought it all together to find out who all was involved.

Ms Cooper: For purposes of clarification, ROMA, or the rural section, is a component of the Association of Municipalities of Ontario. Members of that community have had an opportunity to assist in putting our response together.

Mr Wiseman: I would like to make a brief comment and then ask you a question. In my constituency, the perception would be that involvement in waste management began in March 1989 when the whole process of the Solid Waste Interim Steering Committee began. In my area in particular, they would say that the area of involvement of the province came when site P1 was announced under the Environmental Protection Act. It sort of changed the complexion of the rules of the game. The province has been involved and one of the problems we have now is that this involvement led to circumstances that were unacceptable and therefore new ways of doing things had to be found. That is basically the history of how I got here.

Having said that, I asked you this before when you came in front of the standing committee on finance and economic affairs, and I did not have the document with me at the time, but I do now: Are you familiar with this document, the criteria for site search?

Ms Cooper: For the Durham region? I am not personally familiar with it, no.

Mr Wiseman: Take out the Durham region, because the criteria for site selection are quite similar for Peel and York and Durham?

Ms Cooper: Who has published the document?

Mr Wiseman: This is the document created by the Interim Waste Authority that sets out the criteria for looking for landfill sites.

Ms Cooper: No, I personally am not familiar with the document.

Mr Wiseman: The reason I ask you is that if it is good enough for the GTA to use a document like this to outline the criteria for a landfill search, why is this document not good enough for everybody outside the GTA to look for landfills, as perhaps a starting point in terms of looking for a site?

Ms Cooper: I would suggest that question is far more appropriately directed to the Ministry of the Environment than it is to me.

Mr Wiseman: My question is, why can you not use it?
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Ms Cooper: Presumably we can use it, like a number of other documents that have come out from a number of other jurisdictions. Each municipality or group of municipalities is engaged in its own master planning study with its own team of consultants, its own ministerial advisers. I was not part of the initial process. The city joined the township after the township had started and I did not actually become a part of the process in our community until I became mayor in 1988, so it had been going on for at least four years by then. The criteria of another community are not necessarily appropriate. Each planning exercise is completely independent.

Mr Wiseman: What I am trying to drive at here is that this process is deemed to speed up the selection of a site and that within the framework of doing this it has set out criteria against which sites can be measured, as opposed to taking four or five or six sites that may all be bad and picking the best of a bad lot. What I am suggesting is

that if this is good enough to speed up the process within the GTA, then why would it not be good enough to speed up the process outside the GTA?

Ms Cooper: I can assure you we have tried all kinds of exercises in speeding up the process. I can give you a whole list of reasons why it does not seem to be going very quickly, including citizen opposition to location of any landfill site anywhere.

Mr Wiseman: I am well aware of that.

Ms Cooper: I would also suggest that the geology of Ontario is not uniform and that what may be appropriate criteria in the GTA, minimal criteria in the GTA or, say, Wellington county, are not really good where we live because we happen to be on the Precambrian Shield and do not have anything called topsoil, let alone a clay overburden. We can develop uniform criteria till we are blue in the face, but the site specifics are still under the processes required to identify the best site within a certain political boundary and that best site depends entirely on the topology and geology of that area.

Mr Wiseman: If I had an extra copy, I would give you one. I think it is worth taking a look at. I hear what you are saying.

Ms Cooper: It is hard for me to answer your question, but from the very beginning each one of these processes has been regarded as totally distinct. It may well be that our consultant is giving us the contents of that document. We have been working with our consultant and the ministry officials from our regional office and that is what the planning process requires.

The Chair: I have Mrs Mathyssen on the list. If you want to put a question on the record, if there is time, it can be answered. I have three questions research has suggested be posed and I will do that first, if that is all right. If there is no time remaining during the presentation allotment, I know AMO will be able to respond in writing to questions that are put on the record.

The first question is for clarification. In view of the comments you have made, AMO has some recommendations, specifically numbers 11 and 12 in your brief. The question research has regarding section 33 is in light of the minister's comments and statements. Are those recommendations still valid and will you be submitting a further brief in view of the changes the minister has said are coming?

Second, You made reference, Ms Cooper, to general support for the minister's proposed amendments, in general terms. To what extent will written clarification be forthcoming regarding AMO's specific recommendations around those changes? Are you planning to submit another brief? Clarify that.

Ms Cooper: We certainly can. What I gave today is a very rapid response. We will be more than happy to put that in a more appropriate form to match our original document.

The Chair: The reason for asking for the clarification for research is that our research officer will be doing a summary and it will be important to know what AMO's position is for that.

Ms Cooper: Yes.

The Chair: The third question is that you used the word "intrusive" regarding the Ministry of the Environment's action. The request from research is that you clarify the meeting regarding cost authority and so forth, and be a little more specific in the brief presented so that it can be documented for the record.

Ms Cooper: All right.

Mr Mathysen: Your worship, I understand you have met with the Minister of the Environment and have had several meetings with the staff in order to have this continuing dialogue. I am very pleased that on page 3 of your report you mention that you have begun to establish a good rapport between AMO and the Ministry of the Environment. I am just wondering if you could provide us with some suggestions on how we can improve this relationship, because as I have said before, I think this is the foundation, this good cooperation we would so much like to have as an ongoing working situation.

Ms Cooper: I cannot give you details of specific meeting formats and so on. Noelle would be able to do that far better than I. It is certainly the case that we were developing a much better rapport, and we have had a variety of joint committee exercises in the last little while. This was a disappointment to us, because we had to engage in very much of a kind of rearguard action before Christmas to say: "Hold on a minute here. Please think again before this goes through the House." I think in general we are extremely pleased and satisfied with the rapport we have been able to develop recently. We hope this particular bill was an aberration and we will return to a different process in future.

Mrs Mathysen: I would appreciate that, because I know protection of the environment is central to AMO's concerns, as with us.

The Chair: There are just a couple of minutes remaining if there is anything further you want to say to the committee today.

Ms Cooper: I do not think so, thanks.

The Chair: I know AMO will be monitoring the hearings, as well as answering the specific questions that have been put to you. If there is any additional information you think would be helpful, we would appreciate your submitting it in writing to the clerk.

Ms Cooper: I did forget one thing. After saying no I am now saying yes. I guess that is political prerogative. Noelle pointed out to me that I neglected to mention that the Ministry of Municipal Affairs is producing a paper on statutory authority for municipalities this year. It should be coming out very shortly. We were suggesting that at the very least this bill not proceed until that paper is out so at least there could be the assurance that what is proposed in the bill is reasonably consistent with what is proposed in that consultation paper.

The Chair: Thank you very much for appearing today. We appreciate your taking the time. You have submitted an excellent brief. It will be helpful to all members of the committee. Over the course of our hearings, please feel free to continue to communicate with us in writing.

CONSERVATION COUNCIL OF ONTARIO

The Chair: We have had a request from our next presenter, the Conservation Council of Ontario. Please come forward and begin your presentation by introducing yourselves. I understand there are two presentations you would like to make and then there will be time for questions following.

Mr Winter: Yes. They will both be brief.

The Chair: Please have a seat. Speak into the microphone so Hansard will be able to pick up your name and title, and we would ask if you would leave half your time for questions, if possible, but if that is not possible, the committee will cope. Welcome.

Mr Winter: Thank you very much for the opportunity to address you today. My name is Chris Winter and I am the executive director of the Conservation Council of Ontario. With me is Bill Glenn, who is the chair of our waste management committee. I am going to lead off with some remarks on sections 1 to 3 and then pass over to Bill, who is going to have some very specific comments that went through our committee on part IV.

The following remarks centre on the nature of the waste management crisis in the greater Toronto area and on the role of the Interim Waste Authority. They are my own personal observations based on discussions with members on the conservation council's waste task force and other people and my experience in working on provincial strategies, environmental assessment and waste management issues.

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I wish to address my remarks mostly to parts I, II, and III of Bill 143, but rather than do a clause-by-clause, I would like to come at it from a different angle and address the provincial responsibility with respect to waste management and the province's track record in waste management in recent years. In so doing, I will be able to conclude with several constructive suggestions about how Bill 143 can be used to rectify the current waste management crisis in the greater Toronto area and the crisis we see in the province as a whole.

I will make a few specific suggestions, but because of the perspective I bring to this issue, I think my recommendations will be different from those you might hear from other sources. They will help to alleviate both the waste crisis and the lack of confidence in the government's waste management initiatives.

Just as a brief bit of background on the Conservation Council of Ontario, we are a non-government organization, a charitable organization and an association of 32 provincial organizations all concerned with the protection of natural resources and the physical environment. All told, the membership of our constituent organizations exceeds 1.25 million people. We have approximately 100 voting members on the council. We operate as a voting council and we have eight standing committees, one of which is waste management.

For my own part, I have been with the council for about eight years. I was recently appointed to the position of executive director, last October. My main area of expertise is in the strategic planning process. I and the council have worked closely on the development of a provincial

environment strategy since 1983. We were one of the lead non-government organizations in pushing for the establishment of the Ontario Round Table on Environment and Economy.

We have produced several key publications, including *Towards a Conservation Strategy for Ontario*, based on the *World Conservation Strategy*, in 1986, and Ontario's *Environmental Track Record*, a review of government initiatives and activities, in 1989. Most recently we have produced a document, *An Environment Strategy for Ontario: Draft for Public Review*, which is an all-encompassing environment strategy providing recommendations on the eight key areas we deal with.

Also in recent years I have served on advisory committees, including the Premier's Council on Health Strategy, now the Premier's Council on Health, Wellbeing and Social Justice, on goal 3, "To ensure a safe, high-quality physical environment," which included waste issues, and on the public advisory group to the environmental program improvement project, where one of my main areas of concern was to integrate environmental assessment into the planning process and the development of provincial policy.

With that, I would like to first look at the provincial responsibility with respect to waste management. Overall I believe the provincial responsibility for waste management, or any other significant issue for that matter, be it land use, natural resources, heritage protection etc, can be summed up as follows: first, to provide leadership by articulating a clear strategy for addressing the issue at hand; second, to establish a clear planning process, including the necessary acts, regulations, policy statements, guidelines and performance standards to provide a clear indication of the provincial interest in this issue; third, to allow for appropriate public participation, including environmental assessment and public review at all the key stages of decision-making, starting with the broad strategy and working through the various stages of planning down to the final project, the actual project, and fourth, once these processes have been done and the plans are in place, to provide support through incentives, disincentives, research, technical assistance, public awareness and partnerships with municipalities, non-government organizations, the corporate sector and others. The council has been pressing the Ontario government to adopt this comprehensive approach to waste management since at least the mid-1980s.

Drawing from our most recent report, *An Environmental Strategy for Ontario*, I would like to point to some of the recommendations we have made in each of these four areas.

On leadership we recommend, on page 5 of our report, that each provincial ministry and federal department should publish a clear and concise strategy outlining the major problems under the ministry's jurisdiction and proposed remedies. These strategies should identify the major concerns of the ministries. They should outline the list of specific targets and actions through which the ministries intend to meet them. Each strategy should be short, no more than 20 pages. Specifically, it should contain a statement of the major concerns and their implications, current plans to resolve the problems, new ideas under study which would further help resolve the problems and research needs.

In the waste management section, the council further recommended that the province develop a comprehensive strategy for waste management based on the 3Rs and environmentally sound disposal methods for waste residues.

On the second point, to establish a clear planning process, we have recommended that each level of government should develop a detailed set of standards, targets and policies to guide the development process. For waste management we echo that by saying that the Ministry of the Environment should set clear standards for the 3Rs, and the certification and operation of waste recycling treatment disposal operations etc. These standards should be based on the requirements for healthy ecosystems but be enforced through point of emission standards. They should be reviewed on a regular basis to take into account changes in environmental quality and advances in technology and management practices. This is essentially saying that we want to see in place a full policy regulatory framework that provides clear direction.

Third, to allow public participation we have recommended an efficient and effective process for assessing waste management proposals that starts with the waste management strategy. We have also looked at the environmental assessment process and recommended that it should be applied to policy initiatives as well in a modified environmental assessment process.

With that, let's look at the province's track record in waste management in recent years. We all know that waste management has been with us as a contentious issue for many years. In 1971 our council hosted a national seminar on opportunities for recycling and reduction at source. Fully 20 years ago we produced a booklet called *Solid Waste*. In the early 1970s there was the *Solid Waste Task Force*. In the 1980s the Ministry of the Environment produced a *Blueprint for Waste Management*. But really to date, as far as I can see, the Ministry of the Environment has failed to introduce a complete and effective waste management strategy.

Instead, our history appears to be one of a time-consuming, expensive and often incomplete planning process combined with crisis management. To illustrate this point there are relevant provincial initiatives from the past year and a half. First was *Towards a Sustainable Waste Management System*, which was released in July 1990. This discussion paper was a first step to drafting a provincial waste management strategy focused on the 3Rs, full-cost accounting and tougher landfill standards. It focused on both reduction and disposal. With the change in government this initiative was dropped.

A *Conservation Action Plan*, released in November 1990, put a focus on waste reduction and reuse of materials. At the same time the minister also announced the *Interim Waste Authority*. In February 1991, Ontario's *Waste Reduction Action Plan* set out four areas of activity to accelerate waste reduction efforts and announce the creation of the waste reduction office.

Then there were the two policy statements that were announced on local responsibility for waste and the ban on incineration. That was in April. The provincial strategy for the GTA waste crisis, in June 1991, was something that

began to look like a strategy, a three-pronged strategy including initiatives for the 3Rs and waste diversion and for finding long-term landfill sites. The draft approach and criteria for Metro Toronto followed from that. Then, in October 1991, there were the regulatory measures to achieve Ontario's waste reduction targets.

There are some observations I make on these initiatives. First, the current government has replaced an integrated approach to waste management with an overwhelming emphasis on the 3Rs and a crisis management approach to waste disposal. While I wholeheartedly support the emphasis on 3Rs as a top priority in waste management, I do not believe the province can afford to ignore the waste disposal issue at the provincial level. The ministry is making progress in developing a comprehensive 3Rs strategy, but the lack of clear provincial direction for waste disposal has directly contributed to the current waste crisis in the GTA.

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In addition, the experiences of other municipalities with the waste management master plan process and the Environmental Assessment Act have made it clear that the process is costly, poorly managed and unreliable. Without clear direction to the municipalities and the ability for each municipality to work within a clearly defined set of provincial parameters, it is very likely we will see the GTA crisis repeated shortly in other communities.

The second point is that the ministry policy statements on incineration and long-range hauling were developed in isolation and not as part of a comprehensive strategy. Both announcements were widely supported by the environmental community, but there was no open public review of the policy statements or an assessment of the impact of these decisions. In spite of the fact that both policies are environmentally sound, the tradeoffs with landfilling should have been addressed when the policies were announced. This would have allowed the ministry to assess public opinion in advance of introducing a provincial strategy for the GTA waste crisis or the current Bill 143.

On a related issue, the ministry has not introduced any significant amendments to the planning and assessment process. In December 1990, the Ministry of the Environment released the report of the Environmental Assessment Task Force. That report identified the assessment of government policies and programs as an issue and made some general recommendations for a process outside the Environmental Assessment Act that could be applied to policies and programs. This report and the recommendations were subsequently referred to the Ontario Environmental Assessment Advisory Committee for review. No further action has been taken on the issue to date.

Third, in spite of the short time frame I believe the Interim Waste Authority has the potential to be able to demonstrate a sound approach to waste management planning. The IWA is well placed to follow the principles of sound planning, as I outlined earlier, and the ministry and the office for the greater Toronto area have already produced an initial strategy document. The IWA is operating within the policy constraints prescribed by the ministry—ie, no incineration and local responsibility for waste—and

has prepared preliminary planning documents with respect to siting.

Therefore, with carefully described terms of reference and planning process, and with the assistance of the ministry staff in the waste management branch, waste reduction office and environmental assessment branch, I believe the Interim Waste Authority can play a constructive role in testing new approaches to waste management and in building public confidence in the planning process. This will involve a decision to use the GTA as a demonstration project for developing a provincial waste management strategy and the associated regulations and policies. Doing this would justify the inordinate amount of ministry time that is being spent on GTA waste management.

Finally, the overemphasis on the regulatory approach may result in a heavy administrative burden. We have already seen this with the environmental assessment process, the cost of conducting environmental assessment, and I think we see with some of the draft regulations that they take a very strong prescriptive approach to waste reduction.

By contrast, it was drawn to my attention today that there was an article in the business section of the January 20 Toronto Star outlining how Germany has taken a highly efficient approach to regulating waste reduction. Their regulation requires companies to accept responsibility for the packaging they use and therefore accept responsibility for disposing, recycling or reducing it. They can do this either by paying the exorbitant tipping fees or by setting up reduction and recycling programs. Because of the simplicity of the regulation, companies can make their management decisions quickly and at minimal expense. The process they have is one that ensures the maximum amount of energy is directed to solving the problem as opposed to debating the requirements of the regulation. I suggest the process we are beginning to implement here is one that is more weighted towards debating the process and the plans as opposed to actually getting on with the job.

The question now comes to how can we use Bill 143, which you have in front of you, to rectify the current waste management crisis. In general, I believe the province's approach to waste management has played a major role in creating the current waste management crisis. The major weakness is in the lack of clear direction to municipalities on the 3Rs and waste disposal.

This problem can be addressed in two ways: through a commitment from the Ministry of the Environment to a succinct waste strategy and supporting policy statements and regulations, and by a commitment from the ministry to use the Interim Waste Authority and the GTA waste crisis as an opportunity to demonstrate sound planning, new environmental assessment techniques and public consultation at key decision points in the process.

My first recommendation in this regard is to the waste management branch. The waste management branch should continue to develop the provincial waste management strategy as a high priority and this strategy should include the description of the overall goals, specific objectives and targets for waste management. This includes the reduction and the 3Rs aspect as well as the disposal aspect, because they are so closely intertwined.

It should include a description of the desirable waste management processes and technologies. It should include a list of acceptable waste management activities and appropriate regulations and policy statements, both the existing ones and those that are planned. It should contain a list of government projects and cooperative projects involving other governments, the private sector, non-government organizations and others. Finally, it should request the participation of other sectors, as is already listed in pages 9 to 14 of *Towards a Sustainable Waste Management System*.

I think a strategy should not just be the onus of government, but should be clearly an opportunity for government to say to us in the non-governmental community, to the private sector, to municipalities and to the federal government, "This is the support we need from you to meet these goals."

Recommendation 2: A provincial waste management strategy and subsequent legislation and policy initiatives should be subject to public review or modified environmental assessment. Public review of the provincial strategy will accomplish two important goals. It will help determine the level of public confidence in the strategy and address potential conflicts at the earliest stage of the planning process. It will also provide clear direction to all sectors of the province's commitment and expectations with regard to waste management.

This also provides the Ministry of the Environment with an opportunity to introduce a modified environmental assessment process for government policy, such as is identified in the report, *Towards Improving the Environmental Assessment Program in Ontario*. The report notes that the assessment process would need to include the key principles of environmental assessment: public consultation, consideration of alternatives and the assessment of natural environmental impacts. It is not something that would be the formal EA process, but something that is new and as yet untried in Ontario.

Recommendation 3 is to provide a clear statement of purpose with respect to the Interim Waste Authority. There is no real statement of purpose for the IWA in Bill 143 at the moment, similar to what there is in the Ontario Waste Management Corporation Act that says, "This is what the authority is supposed to do and how it interacts with municipalities and the Ministry of the Environment, where its term ends or its roles and responsibilities end." So it would be worthwhile having that in there, I believe, between what is now part II section 1 and part III.

Recommendation 4 is that the province should use the GTA as a demonstration project for sound waste management planning. In establishing the Interim Waste Authority the Ministry of the Environment committed itself to assisting GTA municipalities. This does not mean that all the principles of sound planning should be tossed out the window. On the contrary, it means that the province will help facilitate the best planning process within the required time. To this end, all ministry staff in the main branches and the waste reduction office should assist in the process.

The province should use the GTA waste management crisis as an opportunity to put the principles of sound planning into practice. It should serve as a demonstration

project or a test case for environmental assessment of a waste management strategy and related policies.

Specifically, the Interim Waste Authority should: within four months release an updated waste management strategy for the GTA, based on current information, the reports that already exist, policies that already exist and new information that is coming in; within seven months complete a streamlined environmental assessment and public review of this strategy—this means the EA branch needs to be involved with setting up this process—then initiate specific projects for waste reduction and waste management, such as siting as required within the context of the approved and reviewed strategy, and finally, implement emergency measures such as the exemptions from the Environmental Assessment Act and part V hearings under the EPA only when there is a demonstrated emergency. This should be the last step and it should be very clearly identified that it is an emergency situation.

In conclusion, the question facing this government is whether or not we wish to continue to plan for waste disposal through crisis management. Unless the province is prepared to develop a complete strategy for waste reduction and waste disposal based on the 3Rs hierarchy, but also recognizing there will always be a residual waste that will need disposal, then we will continue to need emergency measures such as temporary lifts and exemptions from EA or EPA hearings. Bill 143 may only be the beginning. We may need to call it Bill 143A.

I urge this committee to address the two areas of this bill that are crucial to supporting the development of a comprehensive waste management strategy, the statement of purpose for the IWA and the process by which the IWA will carry out its mandate.

I would also like to take this opportunity to urge the Ministry of the Environment to renew its commitment to developing a complete waste management strategy for Ontario and to initiate reforms to the planning and environmental assessment process that will allow our energies to be directed to solving problems instead of debating them. I would like to pass over to Bill Glenn to continue on part IV.

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Mr Glenn: Chris said he would take five minutes, and as all environmentalists do, he lies.

Mr Winter: Through the teeth.

Mr Glenn: Anyway, my name is Bill Glenn. I am an environmental consultant and I am here in my capacity as a private member of the Conservation Council of Ontario and chairman of its waste management committee. I am the sane and rational environmentalist and Chris is the wild-eyed—I do not know.

The Chair: Are you going to tell the committee how much time you are going to take? That was just a joke.

Mr Glenn: Twelve minutes. How is that? I used to come into this room 10 years ago with Pollution Probe and face the ministers of the day and talk about hazardous waste management and acid rain. I notice you have changed the wallpaper since the last time I was here, but I was always impressed on how productive this is as a forum for getting across specific proposals and recommendations.

In that spirit my committee at the Conservation Council of Ontario chose to address part IV of the bill, assuming, I think rightly, that you would have a lot of representation from the municipalities and other groups on the first three parts of the bill. We hope we can offer some constructive criticisms on what we thought were the very important 3Rs recommendations and proposals and fundamentals established in part IV.

I have three very short codicils before I go through my brief—and I am certainly not going to read it—and that is that it may appear overly negative. That is only in that we tried to look at loopholes, inconsistencies and some problematic bits and pieces in the sections dealing with the 3Rs. That is not to construe that we did not appreciate the hard work the minister and her staff did in putting this together, and we would like to congratulate her on the effort.

The second problem we had in assessing this document was the lack of supporting documentation that went along with it. To be honest, there were several clauses and sections in part IV behind which we really do not know the rationale or the explanation. In such instances we had to fill them in with our own suppositions, and perhaps our comments will be inappropriate, but we did our best on the guesses we could make.

Third, many of our comments deal with problems with some of the clauses being general or open-ended or very broadly worded. This is not meant to construe or ascribe any ulterior motives to the minister and her staff. We do not think she is going to use these clauses for goals outside 3Rs implementation, but ministers and politicians and governments do not last for ever and we just want to close any possible loopholes before future problems arise.

As I said, I am just going to go through a couple of the highlights on part IV section by section, but of course we do not have comments on all of them. I will start with section 22 which details the purpose of the act and would allow the province to take action under the act for the “protection, conservation or management of the environment outside Ontario’s borders.”

This is one of those areas where I said the documentation that came in support of the bill was not clear on the rationale. We assume, and perhaps wrongly so, that this would be used to ban exports of waste to jurisdictions outside Ontario’s borders. We would expect that if such a policy is forthcoming, it would only be promulgated after broad public debate. Several of the lawyers on our staff and on our committee were concerned that this amendment essentially expands the purpose of the EPA, and could even exceed the constitutional powers accorded the provinces under the constitution acts or infringe on associative federal powers under those acts.

Section 23 expands the powers of the minister beyond his or her previous authority to allocate funds for various kinds of research activities beyond that, and actually allows them—either themselves or through a designated director—to establish, operate, extend, and in due course, close a landfill.

We do not anticipate that Ruth Grier is going to be hopping on a bulldozer and pushing waste around in her backyard. But under this act, it is possible for her to do so.

It is unclear from that section whether such a project would be subject to the EAA consideration or even EPA section 30 review, and I would just note parenthetically that there is a clause put in later in this bill in section 33 where the Lieutenant Governor in Council could simply deem a certificate of approval to exist.

Theoretically, and again I do not ascribe ulterior motives to the minister, it is possible for any minister or her designate to establish a landfill site—it is not clear what kind of review that would be liable for—and that a certificate of approval could be deemed to exist if the regulations to be developed later allow that to happen.

Whatever the approval mechanism, we see some fundamental conflict of interest problems when the Ministry of Environment acts as a proponent in waste management matters. Again, theoretically, it would be possible for the director of approvals to act as a proponent and have his own department undertake the technical review. If it is seen as essential for the province to take a hands-on role in the operation of waste facilities of whatever kind, we favour the model it used in the hazardous waste field, which was the establishment of an independent crown corporation; in that case, the Ontario Waste Management Corp, which allowed the Ministry of Environment to keep an arm’s-length integrity of the regulatory rule intact, and allow the OWMC to blast ahead.

I do not mean to say that everything is negative in this section. With proper safeguards, I think it adds some strong powers to the Environmental Protection Act, particularly allowing the minister to take a more active role in the funding of the closure of waste management systems, and as such may help in the implementation of the federal-provincial agreement in that area. Again, there was no strong documentation to say that was the intent, but if so, we applaud it.

Finally this section will allow the minister to delegate to her director certain powers and funding and establishment, and in general, despite what you have perhaps heard to the opposite in some briefs, we support the devolution or devolving of certain ministerial powers to directors, in that a director’s orders have certain advantages over a minister’s orders. Director’s orders are appealable to the Environmental Appeal Board. The affected parties may or may not be granted a stay while an appeal is being heard, and the statutory powers of decision of a director are subject to judicial review, which we think are all good safeguards, taking into consideration that the minister and her government or the subsequent minister and her government come and go, but bureaucracies are eternal, and that an affected party should have some recourse that extends beyond the staying power of the government in power.

1630

Section 24, which is essentially a housekeeping measure, deals with the definitions of a “waste disposal site” and a “waste management system.” From our reading of it the two become essentially the same thing now, and I think our reading of it indicates to us that waste disposal sites and systems would both be subject to EPA section 30 mandatory hearings or discretionary hearings. Again, we would ask the minister or her staff to clarify that.

Section 25 is a great idea: Let the municipalities raise money. Environmental assessment is a long-term job.

Section 29 is one of those things where I was going to support the minister and her staff and say what a great thing this was. Unfortunately she beat me to it by coming up yesterday and changing it, saying she would not be devolving these powers to her staff but would be retaining them. For the reasons I mentioned before, we support the devolution of a minister's powers. I guess that is a case of she can't win for trying, but we were going to say something very appreciative.

No matter who wields those powers, though, I think there should be something in the bill that defines what the public interest is. A new clause would allow the minister to act in the public interest to take certain measures. We should at least temper the term "public interest" within the goals of the Environmental Protection Act. It is possible that you could act in the public interest for job creation or any other kind of socially laudable thing but well outside the range of the EPA.

Sections 28, 29 and 30, which set out the groundwork for future initiatives on controlling packaging and litter, are very laudatory. Of course there is going to be a lot of discussion on their implications and we will come back when the complementary regulations come out and try to contribute to the discussion then, but yes, an excellent first step.

Finally, section 33, which deals with the promulgation of additional regulations basically is an enabling section of the act and joins a number of other enabling clauses in that section that allow the Lieutenant Governor in council to promulgate regulations of various types over the years. Again, we reserve comment on the efficacy of any specific regulation, of course, until it is available in draft form.

We generally support the principles behind the enabling clauses. We have one or two specific comments. I think you have heard a lot already about clause 33(2)(j), which deals with municipalities' financial management. I will leave that all alone. Clauses 33(2)(k) and 33(2)(l) seem to indicate to us that waste generators or any other persons could be forced to become proponents of waste management systems or disposal sites. If that is the case, that is certainly a new power and quite an extension under the Environmental Protection Act. I do not believe that currently exists and it may give some cause for concern.

The clause I would like to bring most attention to is clause 33(2)(t), which deems that a certificate of approval exists in respect of a waste management system or disposal site. There may be some rationale for this particular clause. It may be to grandfather existing recycling operations; I do not know. If that is the case, I understand there have been some problems in the air pollution control field that would require this kind of magic wand clause. If included at all, it should be heavily conditioned with control phrasing so it cannot be used to give carte blanche for any kind of waste management system when the MOE deems a need to retroactively issue a certificate of approval.

Finally, I would ask the committee—and I imagine you will be hearing a lot from the other presenters over the course of your three weeks—to consider wording for additional enabling clauses. This is the kick at the can this time

around. It of course does not obligate the Ministry of the Environment to bring forward regulations, but it does give it the opportunity if it sees fit.

In our brief we have made several suggestions. The one I would just like to mention verbally here is perhaps an enabling clause that would allow municipalities to charge user fees for waste disposal on individual households or generators. It is our understanding from legal counsel that several municipalities feel they do not have the right to do so now, and such a clause in future regulations may give them the latitude to pursue other waste management controls.

Finally, section 36 deals with the enactment of the bill. I know there has been great pressure on the committee and on the politicians involved to break this bill into pieces. It is possible you could use a slight amendment in this section to bring part IV, with its very important 3Rs ramifications, in immediately and delay, until you feel they are needed or required, any other parts of the bill without doing anything so fundamental or drastic as carving it up into little pieces.

I think I might have taken 13 minutes, but I spoke as fast as I can. I thank the standing committee for their time and Chris and I are both here for questions for as long as you need us.

Mr McClelland: Bill, on page 1 of your brief you say in the second paragraph you "consider the GTA-related provisions in parts I, II and III to constitute a blueprint for abrogating the legislative protections offered by the EPA and the Environmental Assessment Act. It is critical that this legislative scheme not serve as a precedent for the environmental approval of projects or programs elsewhere in the province." Later in your brief you also say you have a great concern in terms of carte blanche application of certificates of approval that are done in effect by decree as opposed to by process. Chris makes a comment on page 6 of his brief and says very clearly at the bottom of the page, "Without clear direction...it is very likely that we will see the GTA crisis repeated shortly in other communities."

The question that flows from that, from my point of view and from the point of view of many other people, is this: Questions were put specifically from residents of the Britannia area last Wednesday to the minister. They said, "How do we have any assurances that yet another expansion won't be given?" There were none. There was no response to that. "How do we know that we can depend on this legislation only in the short term? How do we know or have any assurance whatsoever that it may not be brought to bear upon us again?" No assurances were given. "How do we know that this legislation may not be applied elsewhere in the province? The door has been opened and it may happen again." No assurances apparently could be given by the minister and therefore were not given. I say that to you. I hope you will accept that as an accurate rendition of what took place.

It seems to me that the experience of the people at the Britannia landfill, in and around that area, is exactly a case in point of the fear you raise here, that the application of parts I, II and III have abrogated legislative protection and a legislative scheme that has been hard fought by many

people. An awful lot of effort in terms of the type of work you have done in the past to have those legislative protections in place is now in jeopardy. You also see it as quite possibly happening down the road. I would appreciate any further comment you might have on that.

Mr Winter: I guess, first of all, the ability of any minister to make a commitment is always constrained by the situation he or she is operating in. We all know the remarks you make in opposition are going to be radically different from the remarks you have to make in the reality of government, and even within the reality of government, the constraints and the situations you are in are always in a constant state of flux. So the one thing I do not look for is a simplistic statement from government officials or politicians, ministers, that says, "This is the way it's going to be and it's going to be this way in perpetuity." I much prefer to see the politician or the person reflect the changing situations, reflect and understand the complexities and the pressures that are on him or her in making the decision, so that we have an opportunity to identify what those conflicts are and what the pressures are and where the tradeoffs are and deal with them out in the open. What I do not like to see is for it to be done behind closed doors and at a stage when really we knew it had to come to this but we kind of put it off until it was too late. That is the sort of decision-making we are seeing at the moment.

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We all know the economic pressures. We all know the population growth pressures on the GTA. We all know that to put hard and fast targets on waste reduction of 25% and 50% is extremely difficult to do if you have a growing economy. We applaud the ministry for putting firm, ecosystem-based targets on waste reduction, but we also have to recognize that they are going to be extremely difficult to reach, to meet. With a fluctuating economy and with fluctuating population growth in the GTA, it is hard to guess.

I look at those as being what we are aiming for. I appreciate the honesty of someone saying, "This is what we are aiming for." I appreciate the honesty of someone saying, "We want to have everything under the Environmental Assessment Act," but I also have to recognize that there may come a time when there is a crisis or when things have happened in a way we cannot control. At that point I look at: "Did you operate in the right way leading up to that point? Did you make the right decisions in your planning process?" With respect to the GTA and waste management, and frankly with respect to a lot of things in terms of government planning, I have not seen that.

Mr McClelland: I would like some help with one other point you make reference to on this bill in your brief. I was quite surprised, quite frankly, and intrigued, to see the last sentence in your comments with respect to section 22, "The banning of waste exports would, in certain cases, contravene a bioregional approach to environmental management." I wonder if you could expand on that somewhat. I think you understand why I was somewhat surprised to hear that coming from you, but I would like to hear more on that, if you would be good enough to do so.

Mr Glenn: I have been involved in a lot of task forces and review groups, and every once in a while the Ministry of the Environment would invite people into the room and look at the blueprints for future development, and there was never any uniformity in opinion on whether waste exports should be banned or not. It seemed to be a more politically palatable thing to say to say that each political entity or jurisdiction should take responsibility for its own wastes and close the borders, but it did not make much sense to send biomedical waste from Niagara Falls all the way to an incinerator near Ottawa or in Hull, Quebec, when you could take it across the border and have it on the road for 20 minutes instead of seven hours. I have not driven from Niagara Falls to Ottawa recently, but it is something like that.

It seemed to make sense from an environmental point of view, using the same rationale that the minister used in saying, "We don't send waste from Toronto 700 kilometres north for disposal," to say that you take a regional approach or bioregional approach and take advantage of clusters of facilities irrespective of the political boundary. That does require controls, and as soon as you bring other governments into play it certainly adds some complications, but if you are going to treat provincial boundaries as walls for the movement of waste, you are going to have to put a hazardous waste facility in Prince Edward Island and it makes absolutely no sense from an environmental or an economic point of view to do such a thing. We made all the same mistakes with beer. Why should we do it with waste?

Mr McClelland: Would you extend that argument to smaller geographical or, as you say, arbitrary boundaries? Do you think the same principle of looking at the best environmental solutions, the best options available, should curtail, at least, the consideration of—

Mr Glenn: The transport of waste is an important component. It is an environmental assessment and that should play an important weighing role in the assessment of any waste management systems, so, yes, to that extent.

Mr Winter: In looking at the two policy decisions of dealing locally with waste and banning incineration, those are two policies that make sense within the confines of those policies. What I was suggesting is that to have an assessment process at the time those policies are introduced forces you to look at the implications, the ramifications of those policies on things such as landfills and NIMBY and so on. I would expect that as you do the weighing of them, you would still come out saying that things like incineration are not desirable, but you have done it in full recognition of the complexities of that decision, the ramifications of that decision, not making it as a simplistic, one-off kind of decision and then waiting until the ramifications happen down the road and dealing with them then, which is what we are doing here.

Mr McLean: The question I have has to do with regulations. It is my understanding this bill gives the minister the power to change regulations without going to any public hearings or having any amendments in the Legislature. Is that right?

Mr Glenn: I do not think it changes your regulation-making powers, no. It sets enabling clauses allowing them, as they do now, to draft regulations that would then be enacted by the Lieutenant Governor in Council.

Mr McLean: Okay. I thought the minister, after the bill has had royal assent, could bring in regulations that could change different aspects within the bill that would then allow a municipality or a group of municipalities to get together and decide they are going to establish a landfill site under certain criteria. In the process, they could come to the minister and ask for an exemption of the environmental assessment. Would that be possible? Section 33.

Mr Glenn: Yes, as a matter of fact, it is kind of a strange dichotomy. They treat municipalities quite differently than generators. As I say, it is unclear from my reading of it whether some of the emergency powers a minister has under section 23 are subject to any kind of review.

Mr McLean: Your brief, on clauses 33(2)(k)(i) and 33(2)(k)(l), kind of gave me the indication that the minister changed some regulations that would give her the power then to—regulations could be developed that would force companies to become proponents and to set up recycling, treatment, storage, disposal operations for waste other than their own. For example, a tire manufacturer could be forced to enter the recycling business.

Mr Glenn: That is correct. It is a possibility for that to happen here, because in subsequent clauses there, they talk about waste generators, and in clauses 33(2)(k) and 33(2)(l) they talk about any such person, which generally would tend to imply to me that they would have to handle their own waste. But it is conceivable that a regulation could be passed under (k) or (l) that would require a generator to become a proponent, require Du Pont to set up—I do not know—Freon recycling systems or a cardboard manufacturer to take back cardboard from any source.

It is possible. It is an enabling regulation. As I say, I know the tire manufacturer will have a fundamental problem with it and the battery manufacturer will have a fundamental problem with it, but I do think it gives them powers under the Environmental Protection Act that do not exist presently. It is possible to force you as an individual to set up a dump.

Mr McLean: Saying that, you mention the public interest on page 4, the second paragraph. How is the public going to have some input into those changes of regulations that would allow this to take place in those local municipalities?

Mr Glenn: I see it as a problematic thing with the definition of "public interest." It has not been defined, not even in terms of the very basic terms of the Environmental Protection Act and the protection of the natural environment. It is possible. I made the suggestion that there had been various versions of an environmental bill of rights that take a more expansive view of what would be the public interest. The inclusion of such a clause in the Environmental Protection Act would offer good direction to people trying to implement it in the future. I do not know whether the clauses I suggested in the enabling legislation, which may be used at some point—this is just hypothetical—to force a generator to become a proponent, I do not

think those projects would be exempt from environmental assessment, but of course it is all theoretical.

Mr McLean: On the existing EPA you indicate section 29 is vague. It requires only that a "municipality shall forthwith do every possible act and thing in its power to implement the report of the minister within a time specified." The new section is much more precise and will allow the ministry to order municipalities to collect waste, establish, operate, extend, close and decommission waste disposal systems and sites. Are you telling me that in this legislation the minister is going to have the power to do all this?

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Mr Glenn: Yes, if the director considers it is advisable in the public interest, he or she may order. That is the new section 29. The minister has indicated she is not going to devolve that. I have not seen the new wording, so I assume it is going to be a ministerial prerogative to be able to do that. Theoretically, she could have done it under the existing Environmental Protection Act. This is much clearer and I am a firm proponent of being clear in your legislation. Now it is up to the committee if it does not like it.

Mr McLean: Do you support this bill?

Mr Glenn: I support the 3Rs sections of this bill and I think they are valuable to Ontario's environmental legislation.

Mr McLean: So do I.

Mr Glenn: I just hope that while doing that there are not too many loopholes slipped into it.

Mr Wiseman: On clause 33(2)(t), you say: "which deems that a certificate of approval exists in respect of a waste management system or disposal site, appears gives carte blanche to any existing or future project the MOE wishes to exempt from its approval processes. We recommend that this magic wand clause be removed." It is my understanding that this clause expedites the approval of 3Rs facilities and that this was one of the things suggested in what is called Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1. How do you feel about that under that criterion?

Mr Glenn: As a matter of fact, the ministry for eight years has been promising to bring forward amendments to allow the quick approval of what it calls bona fide recycling activities. I have supported that and I think most of the environmental community has supported that. If that is the intention of this clause, then I think the clause should be reworded to make that clear. As it stands, this or a future government or any other government, once it is on the books, could introduce a regulation—as you say, it does not have to go through this kind of form—and allow certificates of approval to exist for any kind of waste facility.

Mr Carr: Thank you for the time and thank you for the detailed presentation. My question, because you have obviously gone into a lot of detail on the bill, is more of a broad question. Looking at the situation we are in now, we heard some of the figures yesterday predicting what will happen with the sites in terms of when they reach capacity. It is sometimes like being an economist. Predicting is very difficult to do. But knowing the situation as it is today and

following it as best you have been able to do over the last little while, do you see us getting long-term sites selected using the full environmental assessments in time to meet the deadlines? It is a difficult question, but I wondered what your comments would be, whether you see that happening.

Mr Winter: First, my proposal is not to use the existing environmental assessment process but that we make a modified environmental assessment process, one that identifies the policy component of it and deals with that in a policy level environmental assessment, and then look at a scoped or streamlined environmental assessment process working within the context of that approved policy. It is something that will have to be negotiated quite closely within the environmental community and other vested interests, because you can be sure it will be a hot potato. But it is something that has the end goal of making the process streamlined, efficient, effective, and therefore I think, yes. Bill may want to answer within the context of the existing EA with a different answer.

Mr Glenn: I am just going to make a broad comment. I have been watching the amendment of the environmental assessment process and other environmental legislation for 15 years now. It has made me a very cynical person. My parents do not like me coming home for Christmas, you know. I dampen the mood.

One of the problems is that we hear again and again about amendment processes, and as I say, we have been talking about changes to the Environmental Protection Act to allow bona fide recycling facilities for six or seven years now. In 1985, I got involved in the rewriting of air pollution control regulation 308. The Environmental Assessment Act has been under constant review and tightening since 1975.

The problem is that none of these things have deadlines. What happens is we have crises intervene, including many of the 3Rs regulatory clauses. I am not going to hold the United States up as an example of the best way to handle your environmental problems, but when they pass enabling legislation, there are also incumbent deadlines on the government to introduce legislation or improvements or changes or regulations by certain dates. That has never been the situation here. What happens is that when the heat is off, the deadline just extends indefinitely into the future.

Ms Haack: Mr Winter, you raised an issue on page 10 of your brief, at the very bottom, relating to emergency measures and the last two words intrigued me, "demonstrated emergency." As someone who lives outside the greater Toronto area but has been hearing about the perceived garbage crisis for some years, I am wondering how you define "demonstrated emergency." Possibly Ms Rush, who is involved with the Interim Waste Authority, could give her perspective on what a demonstrated emergency is.

Mr Winter: First of all, we were given a set of statistics that said, "There is a demonstrated emergency." Then you got a backlash to that saying: "No, there isn't a demonstrated emergency. You still have time to do it." So any

time you have someone saying there is a demonstrated emergency, you have to allow a little bit of time to have some rebuttal of that and to actually prove your case. It is not just a matter of saying, "Oh yes, we have a demonstrated emergency."

I live in an apartment building where I have people who say: "Why am I supposed to be recycling and taking all my stuff down to the recycling place? I have been throwing my garbage down the chute for 30 years, and now you tell me there is an emergency." This is someone who is never going to admit there is an emergency.

It is going to be something where you have to have a little bit of debate, but finally a decision, essentially a political decision, that this is an emergency and we are going to ride the heat on it. It is not something where I think you can always rely on having a scientific rational decision that this is an emergency. It is essentially a political decision. But that is a political process, that if you make a decision like that, you ride the flak.

Mr O'Connor: I think I would like to refer that to Jim Merritt and then perhaps further to Alex Giffin.

Mr Merritt: To sort out any confusion on our relative roles on the demonstration of the emergency and the planning and why we are where we are, some of us in the Ministry of the Environment would prefer to deal with those questions, as opposed to the GTA. There is a difference. They report to the ministry separately, not through the Ministry of the Environment.

I appreciate your answer, Chris, on the question of emergency and I agree with it very much. It is a question of degree. In our review of this matter, we very much see a very different case between the Britannia Road site and the Keele Valley site. In our minds, the Britannia Road site is a very real emergency for us. Perhaps it was not so much of an emergency back when we were trying to wrestle with this in August and the first reports were going out. The emergency grows as we move through this, and I think we are in a very real emergency now. June 1992 is going to be upon us very quickly.

The question is very different for Keele Valley, and I think the minister has expressed the view on that. We will be looking at this very rigorously, looking at the situation Alex has shown us, the things that make this decision elastic, the time frames, the quantities of waste, how those will change, and make the decision on a hearing and how comprehensive that hearing has to be.

The Chair: Thank you very much for appearing before the committee today. I know you are aware that you can continue to communicate with us in writing over the course of the hearings, and please feel free to take advantage of that opportunity. The committee is always happy to hear anything you have to say that might be helpful in our deliberations. We appreciate you coming forward today.

The committee on social development stands adjourned until 10 am tomorrow morning.

The committee adjourned at 1700.

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First Intercession, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 22 January 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le mercredi 22 janvier 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday 22 January 1992

The committee met at 0959 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

LIDLAW WASTE SYSTEMS LTD

The Chair: I see a quorum. The standing committee on social development is now in session. I would like to welcome everyone. These are public hearings on Bill 143, Waste Management Act, 1991. Our first presenters are Laidlaw. I would like to ask that you begin your presentation by introducing yourself. You have a full hour for your presentation. We would ask that you leave significant time, up to half, if you could, for questions from members of the committee, but it is your time and you can use it all if you desire. Would you begin your presentation now, please.

Mr Cook: Good morning. My name is Bruce Cook and I am the senior vice-president of Laidlaw Waste Systems. I will be presenting Laidlaw's views on Bill 143 for discussion. I would ask, Madam Chair, that I have two to three minutes at the end of the hour to just recap a few points.

On Monday, the minister, Mrs Grier, provided insights and proposed changes to Bill 143. Both her comments on the consultative process and also the amendments proposed are to be welcomed. It is in that spirit of consultation and insight that we at Laidlaw are making our presentation today.

I believe that it is important to keep in mind the objectives we are trying to achieve in discussing any particular issue, so let me restate the expressed intention of Bill 143. Bill 143 is intended to provide a new legal framework for waste reduction efforts across the province. It will provide "a framework for accelerating the transition from a consumer society to a conserver society based on the 3Rs." It is hoped it will enable "the province to more effectively manage the waste crisis in the greater Toronto area." It is also hoped that the legislation will provide the means to achieve targets of more than 25% waste diversion from disposal in 1992 and more than 50% by the year 2000, using a reduction, rather than a disposal, approach to the management of waste.

My objective in appearing before you today is to bring you three key messages we would like you to consider as you review the legislation. Laidlaw's three messages can be summarized as: First, partnership between government and business will bring the best of both to bear on the management of waste and ensure that Ontario has a real

chance to achieve the diversion targets; second, we believe that no project should be excluded from the environmental assessment process—and we hope we will get an improved, streamlined EA process soon—and third, that the intent and results of this bill be both cost- and resource-effective so that the goals are achieved without creating further problems or excessive taxing of property owners and businesses.

I will also table specific comments and suggested wording for changes for improvements to the legislation.

I will expand on the messages of partnership, environmental assessment and cost-effectiveness in a moment, but first let me give you some brief background information that will establish our credentials as experienced, successful participants in the waste and resource recovery field.

Laidlaw Inc is a publicly owned Canadian corporation with its corporate head office located in Burlington, Ontario. Laidlaw Waste Systems, the division responsible for the non-hazardous waste business, has over 20 years of experience as a leader in waste resource management in Ontario. Waste Systems employs more than 1,000 people in this province, has a payroll approaching \$30 million, has seven recycling centres, two transfer stations and manages 10 landfills. We manage blue box programs that serve up to 700,000 homes in Ontario per year. We recover almost 175,000 tonnes of waste resources from blue box and industrial-commercial-institutional programs each year in Ontario. In a year, we might collect, process and find markets for up to 70,000 tonnes of newspaper, 20,000 tonnes of glass, 15,000 tonnes of cans, 12,000 tonnes of wood, 2,000 tonnes of gypsum board and 58,000 tonnes of corrugated cardboard, let alone hundreds of tonnes of plastics and, most recently, textiles.

Laidlaw Waste Systems pioneered the blue box program in 1981, in partnership with a municipality and other businesses interested in recycling, as part of our commitment to proactive waste resource management. I believe this is a revolutionary recycling initiative. It was the introduction of curbside recycling technology in North America. Since that time, our company has vigorously implemented new and better ways to encourage the 3Rs in Ontario. This includes an efficient, cost-effective processing facility, which we expanded in October 1991, located in Mississauga.

But let me return to our three messages and the government's objectives for Bill 143.

Public concern over the environment has increased significantly in the last few years, largely due to its more dominant and obvious impact on our lives, specifically, health issues and landfill siting. The link Canadians increasingly make between environmental quality and their own lives implies that concern over the environment will remain high over time even if it temporarily subsides as a result of economic conditions.

Public opinion has in fact driven environmental progress. The public can change from consumer to conserver. We have seen that transition in the success of the blue box. As Canadians become more concerned about the environment, they also become more critical of both government and private industry. The rising public concern over a perceived deteriorating environment, coupled with the declining trust Canadians have towards their industry and government leaders, makes new environmental policy and its implementation of critical importance to its public acceptance and its ultimate success.

Laidlaw applauds and encourages the government in many of the vision-oriented strategies outlined in Bill 143 and the initiative papers. But the vision as outlined in the bill suggests potential implications that we know will prevent the vision from being implemented. We fear that the objective will not be reached, but it does not need to turn out that way.

At a time when Ontario is running short of landfill capacity and local communities and regions are facing mounting costs and critical environmental choices, business and government leaders are faced with a crucial question: Can the two sides continue to move beyond adversarial roles to constructive problem-solving relationships which benefit the public and the businesses served and offer the province a successful path for dealing with difficult environmental problems?

Laidlaw firmly believes the government has an important role to ensure environmental integrity at all stages of the resources stream. Government must, in consultation with the public and industry, develop standards and regulations and have the ability to audit and enforce them. The government must also be in the forefront educating the public and helping to change public attitudes and perceptions to achieve the agreed-upon objectives.

Laidlaw, as an industry leader, sees the private sector resource manager as the best partner to carry out the capital and operating responsibilities for the waste resources stream.

But let's understand that the private sector's investment decisions are predicated on the strength of the partnership. We and others have invested significantly in the business of managing waste resources. Our participation and investment have stimulated the development of other businesses, for example, A1 Products of Markham, which supplies blue boxes. If we are not included in the partnership, then our interest and our investment may go elsewhere.

I mentioned that the blue box is just over 10 years old. It started with an initial pilot program of 250 boxes. Today in Ontario there are close to three million blue boxes. That achievement is the result of partnership, a partnership between the province, the municipalities, business, waste resource managers and, of most importance, the public.

I do not want to paint this partnership as some sort of nirvana. Friction in these relationships is inevitable. The challenge of the objective is daunting and, ironically, success brings new problems. We see them today in finding stable economic markets for these resources. Change must be accelerated in the thinking of those who use raw materials so they are replaced by processed waste resources, thus conserving the total resources available.

But the difficulties notwithstanding, let me take you back to the government's objective, 25% waste diversion from disposal in 1992 and more than 50% by the year 2000 using reduction. That is excellent. We support it, but remember that leaves up to 50% of the waste resource available after that. It must be managed. We do not have to wait. The partnership is having successes. It is creating new solutions to the problems as they arise—real solutions, real progress. Another small example: Clothing and textiles that were discarded in Mississauga now reach Goodwill Industries for processing for resale. The partnership did it.

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This bill is far more than enabling legislation for waste reduction. It is very much a total waste resource management bill.

What is my point? Our concern is that the wording of the bill, while it does not specifically preclude private sector solutions for municipalities in discharging their responsibilities, may be interpreted such that, by the absence of any mention of the private sector, it means it is precluded. We recommend that a public statement be made that makes clear that private sector proposals are not only acceptable but desirable and provide a useful role in waste disposal in Ontario.

Our view on the issue of excusing projects from environmental assessment can be simply stated as precedent—precedent enshrined in legislation. We believe that all projects should be subject to environmental assessment to ensure that good environmental solutions can be implemented and be economically achievable. Yes, it is argued that the GTA crisis demands this exemption. If so, let it be done under ministerial discretion, not carved in stone in the bill. This crisis will pass. The GTA situation is but one objective of the bill as stated by the minister. The exemption is not necessary. Let's remember that others will take the reins of power in future and be able to use the precedent to exempt whatever they wish. Is that what we want to construct for ourselves? We say no.

Let me be more specific on the problems of this exemption in terms of the bill. Part I of the bill creates a waste authority with responsibility to ensure adequate landfill capacity and waste management in the GTA for the next 25 years. Laidlaw supports the government in attempting to take initiatives in planning as opposed to reacting. However, we also have tremendous concern over the powers the authority has in carrying out its mandate.

There is no mechanism for the public to appeal inspection decisions which may amount to search and seizure. These inspection powers may actually contravene the Canadian bill of rights and will probably be subject to court challenge. At a time when leadership and stability are so necessary for the integrity and usefulness of the system, we believe that this will create confusion and may delay the implementation of the social objectives.

Part II of the bill establishes the process for the development of long-term sites. It is an excellent mandate. However, it is one which may totally circumvent the Environmental Assessment Act. Bill 143 also does not allow solutions outside the boundaries of the greater Toronto area to be considered, even if there is a community outside the GTA that can provide a site or solution which could be

judged to be more environmentally sound than a GTA site. It seems like an unnecessary and arbitrary parameter to limit solutions to the local generator's region. The only way to ensure that the public is being adequately served and protected is to have a streamlined environmental assessment with the goal of achieving the soundest and safest sites possible. The environmental assessment forces the examination of alternatives.

Furthermore, the bill denies one of the basic problems faced in the recycling industry today, that is, secure economic markets for recyclables. It is clear that this is a global issue, and to have to deal with this problem only within the confines of a specific region creates artificial and unnecessary barriers to the efficient operations of the post-consumer marketplace.

Let me give you the example of newsprint. Canadian Pacific Forest Products will use 350,000 tonnes of newsprint and magazines every year, replacing raw wood fibre resource. The plants are in Thunder Bay and in Gatineau, Quebec. Laidlaw has the contract to supply that market. We have to be able to collect, process and transport the resource to those plants. Artificial barriers will have a severe impact on the better use of resources by those plants.

Part III of the bill addresses three specific sites in Peel, York and Durham. Again, we strongly urge you to consider the need to have full and complete knowledge of the environmental impact of such decisions. How can this be achieved without environmental assessment and public hearings? There is an opportunity here to streamline the assessment process and we suggest that should be the focus of the sense of urgency to effect change and improve the process.

Part IV expands the definition of "waste" to reflect the present and future economic value of recyclables. We fully support this but caution that viable markets must exist or be created. They must be supported by the public in order to make separation and recycling of more materials a reality.

We have proposed specific wording and other suggestions for these parts of the bill in our addendum.

A major factor driving Canadian environmental policies is that reacting to crisis as opposed to planning and managing is no longer economically viable. At a time of continuing budgetary deficits and forecasts of sluggish economic growth, no country, no business, no consumer will be able to afford an environmental policy based exclusively on remedial action. The high cost of environmental protection and rehabilitation requires that greater attention be given to defining the costs and benefits of environmental objectives. Cost is an issue. The notion of policy at any cost will translate into losses on the other side as businesses feel the impact of these hidden taxes. That, in turn, will affect their investment decisions, just as the partnership issue affects our capital investment plans. Without sensitivity to cost-effectiveness, Ontario's drive for economic renewal will certainly be undermined.

Is there a more cost-effective way to achieve these policy objectives? There are those who would argue for pure public sector management, as though the profits private sector operators make take away funds that could be put to better use by government if it had exclusive involvement.

According to studies by the University of Victoria and the city of Winnipeg, the private sector is up to 40% more cost-effective in providing these services. That is a 40% saving the government can use to add more waste resource reduction or recycling programs or apply it to other social programs, and that is on top of any profit the private sector companies make, with margins far less than 40%.

The minister has set out key principles essential to turn a consumer society into one that conserves, including the concept of true-cost accounting. Items such as wasted energy and resources, as well as environmental damage from consumption and disposal, are elements requiring consideration. However, our concern is with the ability to quantify such costs today. We must start with understanding a project's cost base before committing public dollars, and it must be based on generally accepted accounting principles. When it comes to resource management, business and government are partners. Only government has the authority to make certain crucial decisions about waste collection, processing and disposal. The private sector clearly has the ingenuity and competence to implement those policies.

Crisis often drives change. We acknowledge that the government must move quickly to solve certain waste problems, but we should not create what could be a tragic precedent for the medium and long term just to address a short-term situation. This is totally unnecessary, given the powers the minister currently possesses. Streamline the environmental process and use it as it should be used.

Economics and politics must also act as partners to achieve socially desirable goals. The taxpayers are burdened with ever-greater demands. Cost- and resource-effectiveness must not be discarded in the rush to address shorter-term problems.

I would like to leave you with the understanding that Laidlaw as a company, and its employees as citizens, fully support and encourage the transition from a consumer society to a conservator society. In our view, partnership has provided environmental, cost- and resource-effective solutions. Bill 143, with the proper amendments, can provide a framework for that partnership to meet the objectives set out by the minister for the management of waste resources. We would like to table for your consideration specific comments and recommendations on the bill.

On behalf of Laidlaw, thank you for the opportunity to be here today. I will be pleased to answer any questions you may have.

The Chair: Thank you very much for your presentation. I will keep five minutes at the end to allow you to sum up. I am going to divide the time available equally between the three caucuses and rotate from individual to individual so questions can be asked. First questioner, Mr Carr.

Mr Carr: Thank you very much for a very thorough presentation. I was interested in your comments about the private sector. I agree with you; I think the private sector can do the job faster, better and cheaper than the public sector can. You should not be surprised to know that in housing and day care—you are not the only ones being pushed out.

Why do you see the efficiencies you talked about? I think you used the figure of 40%. How is it that you can do the job better than the public sector? Where are these efficiencies coming from? Maybe you could give us a bit of an update.

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Mr Cook: I think we see two fundamental reasons that cost-effectiveness is available through the private sector. The first is that our operations exist in over 100 locations and we are faced with competitive challenges in those locations, from both external competitors and from the needs expressed by municipalities and governments to provide certain services in the most cost-effective way. We face challenges both of understanding and being able to manage differing kinds of waste management practices, as well as the desire of all contracted governments to have the lowest cost possible. That is the first reason.

The second reason is that that opportunity to compare provides us with the ability to measure our best demonstrated practices. Our need to be a low-cost operator means we compare the best we have and manage towards that goal consistently.

Mr Carr: I agree, and hopefully the comments were taken more for the members of the NDP. As I mentioned, in other areas, whether housing or day care, the same thing is happening. The government is driving people out of those sectors. We should not be surprised that there is not a strategy in your area as well.

Along those lines, I wonder if you could give us some idea of what the relationship has been. Prior to this hearing have you, as a major player, had any discussions with the ministry on this bill? Further, maybe you could explain what your relationship has been with the Ministry of the Environment and maybe just give us an overview. Do you see it as being good, bad or indifferent? Also, could you give some suggestions about what you would like to see to have a better relationship? Maybe you could comment on those things.

Mr Cook: First of all, we have had the opportunity, as have other stakeholders, to have input through the waste reduction office's initiative papers to the process. Our sense, however, is that this committee hearing presents the greatest opportunity for us to be heard, to have our message of partnership, cost-effectiveness and protection of the Environmental Assessment Act heard in public. I think that is a really important opportunity for us.

I suppose our greatest relationship with the ministry is related to the operation of facilities in the province of Ontario, and we have a fairly significant ongoing relationship with them in the management of the regulatory functions in our landfills, recycling facilities and facilities for hauling.

Mr Carr: When you describe the partnership—because I think it is important. If we are going to solve all the problems not only in this area but the many challenges in other areas, there has to be a very clear partnership. In this day and age, with all businesses and a lot of groups, we talk about partnerships and we may even intend to work out partnerships, but when the reality hits you find that for a number of reasons there is not the cooperation.

How would you describe your partnership right now with the Ministry of the Environment? Are you pleased with it? I understand it sometimes puts you in a difficult position because if you are not pleased with it, it is very difficult to do. What is your assessment of that partnership and the cooperation? You mentioned a couple of examples. What else can be done to improve that partnership from your standpoint?

Mr Cook: Let me begin by suggesting that we really have two kinds of partnerships available to us in a province like Ontario. One is very tangible, the other is less tangible. The most tangible is the relationship with the typical municipality or regional government to provide services they might wish us to provide. Services included in that partnership would be the provision of collection, recycling, waste processing, marketing of materials, possibly owning and operating landfills to provide services to those communities.

The partnership we envisage with the province is less tangible. That is partly because the province has less-tangible services to provide in terms of actual collection, processing or marketing of materials. I have suggested in my presentation the responsibilities of provincial government.

The most available opportunity we think the ministry has in terms of Laidlaw or the private sector is to access our expertise. The opportunity exists for us because it is our only business: to know, to learn, to understand in hundreds of locations, not only within our own company but within the private sector as a whole and in other countries; to understand the challenges all governments are faced with today, and to understand how those are dealt with.

Perhaps more important, or perhaps more practically, all the good things we want to do with the 3Rs have a technical limitation, and that happens to be garbage. There are certain things both government and private industry have found they can do with garbage, and certain things they cannot. That is our business. We understand the profile of waste currently, and we think we have some terrific vision of what the waste resource will look like five and 10 years from now.

In the situation we find ourselves, where we are considering building major processing facilities, either publicly or privately, where we are considering collection systems that are going to have enormous capital resources used for them, it is critical that we build a flexible system that deals with the real waste resource we have today and the vision of the waste resource we have five and 10 years from now. We think the private sector brings that knowledge and skill to the table.

Mr Carr: So do I. Thank you.

Mrs Fawcett: Thank you very much for your presentation and for being here. I would like to explore a little further your fears, maybe, of the bill. I know you have pointed out several areas where you agree with it and so on, but I get the idea you are afraid that, because wording is lacking, possibly the private sector may be squeezed out. Do you really feel this legislation is designed to ease the private sector right out?

Mr Cook: I do not know. That has certainly not been a statement of fact presented in public. I think we consider it rather to be an oversight at this point and that perhaps,

with regard to the value the private sector brings to the table in terms of the skills we can approach the problem with, our value is not yet realized.

Mrs Fawcett: Heaven forbid that it would happen, but do you know the impact in dollars and cents if you were to be forced out?

Mr Cook: No, we have not contemplated the impact in dollars. I guess what I can say in terms of the cost-effectiveness issue, however, is that the impact for both the taxpayer in the greater Toronto area, as we face significant tax increases projected this next year, as well as for businesses who face the highest disposal costs in North America, probably the world—the issue becomes that those customers, those generators, who are, after all, not the enemy, are rather facing significant challenges in restructuring their businesses and attempting to become more environmentally compatible with the goals of this bill. Those people are facing significant struggles in dealing with the costs of doing business and the costs generated by our current process.

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Mrs Fawcett: In view of what we heard last night from the Premier, I hate to think what it would cost municipalities, for instance, if they had to suddenly assume the total responsibility that possibly you people do now, if they were required to all of a sudden take over the whole operation. Any comments on that?

Mr Cook: Certainly if municipalities were faced with the decision of having to provide all services themselves, our sense would be that they would be struggling with both the skill sets necessary for those municipalities that do not currently offer those services themselves and also with understanding the cost base, being able to tell their taxpayers in advance what the costs would likely be. We think there are terrific cost increases there.

Mr Lessard: I want to thank you for your presentation. I think you will not find any disagreement on this side of the room that there are plenty of opportunities for the private sector in the waste management field. It was suggested to you by other questioners that perhaps if you were not in the business the costs would be enormous to municipalities and governments to deal with waste but ultimately somebody would have to deal with the waste and we as waste generators would have to pay for it.

You had mentioned the initiatives paper and the fact that you had been involved with the Ministry of the Environment in the development of the initiatives paper. I suggest to you that the initiatives paper does indicate plenty of areas where there could be private sector involvement in waste management, in 3Rs facilities and programs. You had also alluded in your oral submission to some areas where the private sector could be involved as well with respect to processing and marketing and dealing with things like that. In fact, you said that viable markets must exist or be created and that is an area where the private sector would have to get involved.

It is clear that we do have to establish partnerships not only between the private sector and governments but also the public itself. It has to go even beyond that, because the

situation we find ourselves in is one we all have to deal with and face.

Through the initiatives paper do you see many opportunities for private sector involvement? Just because, the private sector is not specifically mentioned in the legislation, it does not exclude it. There is lots of legislation that does not say that the private sector is involved, but the absence of that does not mean it is excluded. Would you agree with that?

Mr Cook: You are correct in that the bill does not precisely exclude private sector involvement, but at the same time we at Laidlaw consider that by not precisely including the private sector and the skills and attributes we bring to the partnership as a major, successful, competent player in dealing with waste resources, an opportunity is missed. We believe that opportunity is ripe for creation, for an improved partnership, an improved set of circumstances in which we both recognize each other's roles and where the government makes full use of our skills.

Mr Lessard: I think we intend to make use of your skills, there is no doubt about that, because development of markets is part of that. You devoted some of your oral remarks to it. Waste management has to be economically driven. We cannot just collect it in the blue box if there is no place for it to go. There have to be markets that are developed so it makes it worthwhile for us to collect, separate and deal with it.

You had mentioned something about artificial barriers being imposed to prevent the transport of resources across jurisdictions. When I talk about this being economically driven, I guess part of the reason for there being some concern on the government's part about the transport of waste has to do with the fact that if those markets are not developed right now, then the economic decision to be made is whether it is cheaper to put it in a hole in the ground or to process it at this point. If it is cheaper to put it in a hole in the ground, we would not want to see it transported out of the jurisdiction for that purpose. We have to develop some markets. I wonder if you have some suggestions to the government as to how we might be able to play a role in ensuring that markets are available so that this is the most viable alternative economically.

Mr Cook: First of all, if we start off with an understanding of the profile of waste and the real resources that exist in today's waste stream, that is an excellent beginning. We can sit down and identify the waste profiles and say that there is a certain percentage of glass, a certain percentage of plastic, a certain percentage of wood and so on. The reality, as you have indicated, is that our ability to remove those materials from the waste stream is economically driven and driven by our opportunity to achieve markets for them.

Our practices are to prove that something works and to adjust our operating process to ensure that in fact it can work to create markets for the materials we have. I suggest that is a ratcheting process. As we find the material in the waste stream we identify a market for that material, then we find more materials and more markets. The two systems can only grow with each other. With Canadian Pacific Forest

Products we are a leader in creating a situation with the newsprint marketplace in being able to match supply with demand rather than create the erratic supply-demand scale that sees prices hugely fluctuate or materials not be accepted by the market. It is important that we create supply and demand in a pattern that works well with each other.

I think the second issue is that there is no big bang. Having worked on a processing line myself recently, with garbage that came out of the back of a truck, it was very visible to me. I had tangible evidence that there was not millions of dollars sitting there in the back of the truck waiting to be captured in a perfect market. Rather, there are small steps that can be taken on a wide scale to improve the quality of the materials at their source. We agree with the government in terms of source separation and improving source separation. There is the opportunity to improve the quality of that resource at source so that it does not become a wasted resource that has to be buried. But those things happen one customer at a time, one person at a time, and creating that change, both in our society and in the practices of our people, is a major task.

We agree with the heading we are going towards. We are quite frankly much less sure of the ability to mandate that through rules and regulations. We believe we need to work with people to help them understand their needs. That is what the blue box program did. With any flaws that it may have, it has created both an urgency on the part of the individual to act progressively for his or her environment and provided an opportunity, a tool by which that individual can actually do that. It provided an educational process by which people could understand that they could impact their environment.

We must take the lessons learned from the blue box program and transfer those into practice with all industrial, commercial and institutional customers as well as government. The biggest thing government can do right now is make sure that its purchasing practices and habits are consistent with its goals. The largest customer for recycled papers in Ontario right now is probably the provincial government.

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Mr McLean: I was here when the first 250 boxes were kicked off. I also remember not long ago when the millionth box was announced out on the front lawns at Queen's Park. I think it has been an exciting program and one that has been great for the province. I commend your participation within that program.

But I wanted to ask you a couple of questions. It has to do with the GTA. I am wondering about the size of your operation. Do you have facilities within the GTA that are landfill sites now? What involvement have you with the GTA with regard to the garbage side of it?

Mr Cook: Laidlaw currently operates two collection facilities and one recycling facility which serves most of the region of Peel, particularly Mississauga and Brampton. We also operate a small landfill on the east side of the Durham region which is in the process of going through an environmental assessment right now to be expanded.

Mr McLean: Why is it going through an EA to be expanded when Keele Valley at the head of the Don and

Britannia do not have to go through an EA? Why is yours going through it?

Mr Cook: I suspect that we at Laidlaw have probably as much experience going through the environmental assessment as any other single proponent. We currently have three landfill facilities going through the environmental assessment process in terms of their expansion, one in Durham, one in Warwick and one in Kingston. We believe in both the environmental assessment as a protection for the environment and ensuring that proper public input to the process occurs. We are committed to going through that process.

Mr McLean: Do you believe that one of your sites is being looked at by the ministry as one of the three sites within the GTA?

Mr Cook: I do not know. There have been no indications that this is the case.

Mr McLean: Do you have other sites outside of the GTA that you own and operate?

Mr Cook: Yes. As I indicated, we have one in western Ontario. We have a site in Napanee that we currently operate and own. We have a site in the regional municipality of Ottawa-Carleton that we own and operate.

The Chair: Thank you, Mr McLean.

Mr McLean: Is that all the time I have?

The Chair: What I am trying to do is that in the rotation, if there is additional time, there may be time for one more question at the end, but with the request from the deputant for some time at the end.

Mr McLean: Fine. I have a couple more if I get the chance.

The Chair: Okay. I will put you down again. Mr Sola.

Mr Sola: I will just ask one question in order to allow my colleague Carman to pose a question as well.

Sir, you have touched on this topic—you answered it partially when Mr Carr posed a question—but on page 7 you state, "There are those who argue for pure public sector management, as though the profits private sector operators make take away funds that could be put to better use by government if they had exclusive involvement." Can you elaborate on that to tell us how you can do the same function as a publicly managed company, take out a profit and do it more efficiently than the public sector company?

Mr Cook: As I indicated in my previous answer, probably the most important issue is comparison. We have a need, a goal if you like, in terms of being competitive within the North American marketplace, to be a low-cost operator. As such, when a municipality requests that we provide services, our job is to be able to provide those services. To win the job, we must be a low-cost operator.

The way we get to be a low-cost operator in managing waste services—let's take collection of waste for an example. It really is a matter of taking the waste out of the effort necessary to remove that garbage. There are simple, straightforward, well-managed ways to do it and there are less effective ways to do it. By our comparison, our systems—it is, after all, the business that we are in and therefore it is

the focus of all of our attention—our efforts to do that have resulted in our having lower costs.

Mr Wiseman: I would like to turn to one of your comments on page 6 about recycling. Yesterday we had a presentation from John Jackson and the Citizens' Network on Waste Management. He was quite complimentary of the fact that we had separated the idea of waste reduction from the idea of waste disposal and that the creation of the waste reduction office was an important factor in getting rid of what could be a conflict with waste reduction and waste recycling and waste disposal. I am just wondering, as you have had some involvement in terms of waste reduction and recycling, what has your company's involvement been with the waste reduction office?

Mr Cook: Our most recent involvement was to provide a tour for the waste reduction office of our facilities in Mississauga. We have a simple but what we would consider to be an advanced processing facility in Mississauga that is very compatible with the ministry's concept of source separation. The waste reduction office, led by Drew Blackwell, came out and visited that facility.

Mr McLean: Whereabouts is the site that you had indicated you are having the environmental assessment hearing on?

Mr Cook: It is in the town of Newcastle, on the east side of Durham region.

Mr McLean: What size of site is that?

Mr Cook: Currently the site is very small with a capacity and a daily tonnage limitation of, I believe, approximately 100-125 tonnes a day. However, in its expansion process it is destined to be a site with between 6-million and 8-million tonnes of total capacity.

Mr McLean: What acreage is it?

Mr Cook: I think the total site covers an area of approximately 250 acres, but I am not absolutely certain.

Mr McLean: That is fine, thank you. To streamline the environmental process and use it as it should be is something I have been looking at and indicating should be done, that that should be part of the bill. Have you had any input into the ministry with regard to how that process could be streamlined in order that you could have a site approved within five years, instead of an ongoing million-dollar cost for industry and municipalities? What input have you had, if any?

Mr Cook: The ministry did a review of improvements to the Environmental Assessment Act over the last couple of years. We have had input through our industry association, the Ontario Waste Management Association, to that process. I suppose I could sum up our input in that we believe that the ministry needs to define certain needs in terms of disposal capacity as being appropriate. Then the environmental assessment process could become more focused on the environmental quality of providing for those needs, rather than the concept of trying to prove each and every item, each and every aspect of the Environmental Assessment Act in a way that in fact only delays the process.

Mr McLean: Your comments with regard to the bill appear to be more on what is left out of the bill than what

is in the bill. You indicate that nowhere in the bill does it refer to the private sector involvement with regard to disposal sites. Is that correct?

Mr Cook: That is correct.

Mr McClelland: You have indicated, I understand, in a brief discussion with my colleague Mrs Fawcett—she put a question to you—that basically you believe the legislation is designed to try and force the private sector out. I can understand why you were a little bit hesitant about that.

Further to the question that Mr McLean just raised, there are elements of the bill that certainly call into question the involvement of the private sector in terms of waste management in this province. I think you have indicated that, and you may want to elaborate on that momentarily.

You have also touched on, in your brief, the cost benefit with respect to publicly run versus privately run. My colleague has asked a question to reinforce that. You are talking about, in general terms, 40% cost-efficiency in terms of the private sector. I think the impact on the public, the impact on the taxpayer, in government level funding, ie, the property tax, would be significant in the absence of the private sector, both in terms of household waste and also should the private sector not be around to deal with industrial, commercial and institutional waste. Much has happened over the past year in terms of tipping fees that have called into question the economic viability of private sector involvement.

You have doubtless had discussion, either you personally or people in your office, with the Ministry of the Environment. You are operating in a background, philosophically, in terms of things such as day care, where apparently the government says it does not want, in many instances, private sector involvement in the economy of this province. That is the background and that is the reality, the philosophical framework within which we are operating presently in the province of Ontario.

How do you see the future viability of the private sector in waste management in this province, the impact it would have on the taxpayer in the absence of the private sector? Most important of all, what kind of specific, explicit assurances have you had from the Ministry of the Environment that it wants you involved in this, beyond some rhetoric about partnership? The only thing I have heard to date was a passing statement by the minister on Monday that she sees some involvement, some role for the private sector. I am presuming you have had lots of discussions with ministry officials. What kind of specific assurances, what kind of indicators are you getting that the private sector is welcome in this province in terms of waste management, that you do not have rhetoric in terms of partnership but a meaningful role in terms of partnership in providing a valuable, cost-efficient service to the people of this province?

Mr Cook: In the discussions that we have had with the ministry, the ministry has accepted our involvement and listened to us, I think, with care. I believe I can only say that the result of that is what the minister on Monday indicated our role would be. Those assurances are the

assurances that I think we can say that we have at this point in time.

1050

Mr McClelland: If I recall correctly, the minister said something about seeing a role for the private sector in such things as operating recycling facilities. I think I am doing justice to the minister's statement in recalling that. That is so far the only specific or explicit framework within which you have been given any assurance or possibility of operation to date.

Mr Cook: I think the minister has indicated what her opinion is, and I think we have listened carefully to that. In terms of a more tangible relationship, my sense is that the waste reduction office and the process that the ministry is going through in terms of multistakeholder committees provides opportunity for opinions to be voiced. In turn, the waste reduction office has shown itself to be prepared to come out and visit with us, to learn the things that it finds acceptable from our practices. I think we have yet to have a substantial feeling as to the role we will play.

Mr McClelland: If you were not already here, would you invest here today? If you were not already in the province, would you consider investing?

Mr Cook: I really do not know. I do not think that has been part of our consideration at this point.

Mrs Mathysen: There has been a great deal of talk about the initiatives paper, Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper 1. I know it proposes source separation for the industrial, commercial and institutional sector. This of course would be an extension of the blue box program in which you played a significant role. It seems to me that this would provide some real opportunities for private sector participation. What is your perspective on source separation for the industrial, commercial and institutional sector?

Mr Cook: I guess we believe that source separation has two important aspects to it. One is in terms of its reality, its ability to be done. In the case of a small generator, the ability of that small generator to practically separate a few ounces of one thing from a few ounces of another thing and to afford a cost-effective system of collection and processing for very small, very tiny amounts of generated waste may in fact be prohibitive in cost. So the realities of the ability to provide a much more expensive collection system to receive those materials is an important qualification that needs to be considered before we head down that path.

We at Laidlaw have believed in source separation for years, partly coming out of the blue box program. Many municipalities in North America moved towards a mixed-waste processing centre; other municipalities have moved towards commingled recyclables. Invariably the result was that although costs of collection might have been reduced, the cost of processing the actual materials recovered from the stream and the levels of contamination that were seen in the waste stream following the processing made the systems unpalatable. So we have been believers and continue to be believers in source separation.

Our industrial, commercial and institutional collection system right now includes some substantial office recycling

programs which provide multimaterial collection to office towers with source separation. The key issue again comes back to their practicality and their ability to be done in a cost-effective way. We believe, but you should not take your beliefs and carry those to an extreme that does not have reality attached to it.

The Chair: Mr Cook, you have three minutes now to sum up.

Mr Cook: We at Laidlaw welcome the opportunity to have an ability to provide input to Bill 143 this morning. This has, I think, been our most important and most public opportunity to have this type of consultation so we certainly welcome this opportunity, as well as welcoming the minister's approach to being prepared to adjust the bill.

We have three key messages this morning. One is that we should build a partnership with government that realizes the best of both of our skills and abilities. We at Laidlaw certainly believe that the private sector has initiative, innovation and skills that should not be passed over in looking at and enacting these 3R applications.

Our second issue is the Environmental Assessment Act. We do not believe that projects involving landfill expansion or landfill development should fall outside of the Environmental Assessment Act. We believe that the act is there to protect Ontario taxpayers, Ontario people, and that it should be used consistently by all.

Third, we believe that in undertaking any major system, cost-effectiveness is a key criteria in advance of starting the project. The taxpayers and conservers of Ontario deserve to understand and know what the costs of this program will be before it starts.

The Chair: Thank you very much for your presentation. We appreciate your coming before the committee today.

As I tell most of our witnesses and presenters, if over the course of these hearings there is additional information you think would be helpful to the committee, please feel free to continue to communicate with us in writing. Everything we receive before February 14 will become part of the public record and anything we receive after that, during the course of the deliberations through clause-by-clause, will be considered by all members of the committee.

Mr Wiseman: Do we get an opportunity to place questions?

The Chair: Would you like to place questions to which you require an answer?

Mr Wiseman: Yes, I would. In my understanding of legislation and judicial writing in the history of the Commonwealth and of Canada, silence means no change. In other words, if it is not specifically written in a document, traditions, habits and things that have been done in the past continue to exist and have not been outlawed. So the request to have what is no change stated in a bill seems to me to be a request for a fundamental change in the way we write legislation. I would like the legal staff to comment on that in terms of whether I am correct in that understanding and whether that request is actually necessary for legislation such as this.

The Chair: Your request is noted.

At this point, following deputations, I usually allow members to place on the record questions either to be answered by the ministry research staff or by presenters. Does anyone else want to put a question on the record?

Mr McClelland: I would also like to know if the ministry staff have provided any documents they have done that do a cost-benefit analysis in terms of the private sector versus the public sector involvement and waste management, the cost impact of the elimination of the private sector for household and ICI wastes in Ontario.

1100

ONTARIO WASTE MANAGEMENT ASSOCIATION

The Chair: I would like to call next the Ontario Waste Management Association. You have one hour for your presentation. Please begin by introducing yourself. Just sit in the chair and speak right into the microphone and Hansard will be able to pick up everything you say. For anyone watching these proceedings, everything is recorded and the document is available in both official languages. Please have a seat.

Mr Temple: May I get a glass of water?

The Chair: Yes, please help yourself. There is water and I believe there is some coffee and some juice as well for anyone who is thirsty.

Ms Haec: What about Kleenex?

The Chair: You have a cold; I am sorry, Ms Haec. Yesterday, what we managed was some napkins. It is the best we have been able to do.

Are we ready to proceed? You have a full hour. We ask that you leave as much time as possible for questions from committee members. Please begin your presentation now.

Mr Temple: My name is Jim Temple and I am the director of the Ontario Waste Management Association. We are the association of the private waste industry companies and we number over 300 companies. These people are engaged in all aspects of the waste and recycling business including collecting, disposal, recycling, equipment manufacture and supply. We also represent several law firms and consulting engineers who specialize in the fields of waste and recycling. Our industry has invested several hundred million dollars in this province and we employ thousands of people, both union and non-union.

In my presentation, I would like to give you specific comments on Bill 143, clause-by-clause. I will be brief and to the point. I fear that some of the points I make may be somewhat a repetition of the previous speakers and I apologize for this, but I think it is some indication of their importance in our minds. Then I would like to deal with what we perceive to be the philosophy of this bill and how it will adversely affect the people of this province.

Part I of the bill, sections 9, 10 and 11, give far-reaching powers to inspectors to enter on to private property and to take whom they wish with them. We feel these powers are excessive and would suggest that the ministry fall back on existing statute law in order to accomplish this objective. Under the Environmental Protection Act, the ministry, in the person of a provincial officer, already has the right to enter

property for the purpose of taking samples and similar activities.

We are also concerned about the future relationship of the crown corporation with the Ministry of the Environment. Is the Interim Waste Authority, as an arm of the government of Ontario, the proponent at future hearings, related to the regulatory body through the MOE, and possibly the future operator of the site? If so, the Interim Waste Authority and the Ministry of the Environment will be involved in some difficult conflicts of interest.

Part II of the proposed legislation deals with the criteria for selecting long-term sites. In section 14 the government has ruled out the selection of several alternatives to the proposed site. In doing so, they eliminate one of the central principles of the Environmental Assessment Act, that of a complete review of alternatives. They have eliminated both incineration and movements of wastes outside the community.

The legislation should not restrict incineration because of some prejudiced view of this alternative, a view which may not be shared by the electorate. Incineration should stand or fall based on specific proposals introduced at a public hearing. For the same reasons, the proposals to move waste outside of regional boundaries or the primary service area referred to in the legislation should stand or fall on their merits at a public hearing involving both the waste generators and the prospective waste recipients.

For an undertaking of this magnitude, nothing less than a full environmental assessment hearing is acceptable. But there is an indication here that the government is trying to get around an act which we in the private sector have been operating under with some difficulty for years. If the government cannot face a full environmental assessment hearing because that is too tough, then they should scrap the Environmental Assessment Act and legislate something simpler for the benefit of all of us.

Section 12 dictates that the landfills must be located within the boundaries of Peel, Durham and York regions of Metro. This is wrong. Landfills should be sited for minimal overall environmental disturbance based on such criteria as geology, compatibility of adjacent land use, roads and transportation, social disturbance, population, and the distribution of waste generation. The Environmental Assessment Act hearing will decide on the suitability regardless of political boundaries. If we introduce political boundaries into the landfill siting equation, where, logically, should we draw the boundaries—on a provincial level, regional levels, county levels, township or city levels?

Section 13 of the proposed act states that the Ministry of the Environment will advise the crown corporation as to the amount of waste that will be diverted from the proposed landfills during a 20-year period, and that the crown corporation must use these estimates. Under a fair EAA hearing process these estimates should be the responsibility of the applicant, ie, the crown corporation, and it should take its advice from where it chooses and be prepared to be cross-examined on its estimates.

In subsection 14(2), Bill 143 rules out the export of waste as a disposal alternative in an environmental assessment. But in the proposed amendments to clause 29(2)(b)

the Ministry of the Environment through the director seeks powers to order municipalities to accept waste from outside their boundaries. There can be no import without export. Will the government clarify its position on this?

In Section 16, the bill seeks "to assist persons in participating in any part of the environmental assessment process to which the Intervenor Funding Project Act, 1988 does not apply." If there are people in genuine need of intervenor funding and not properly covered by the act, then surely the remedy is to change the Intervenor Funding Project Act and not bring in supplementary legislation.

Part III of the bill deals with legislation designed to solve the present waste crisis by forcing the extension of the Britannia Road and the Keele Valley landfills. Before the minister resorts to force majeure and overrides the Environmental Protection Act and a host of other agreements and acts, she should once again satisfy herself that the crisis is bad enough to justify this action. Total waste volumes to all landfills in the greater Toronto area are down drastically due to the depressed economy, recycling efforts and export of waste outside of the GTA. If an emergency still appears to exist after this re-examination, then the sites should be expanded only after a successful hearing under the Environmental Protection Act designed to explore the technical feasibility of site expansion.

Speaking of export, the government should take a more pragmatic approach to the export of waste. This initiative by the members of our association has already gained the GTA months of valuable lead time in its search for a site. When the GTA has adequate landfill capacity, then is the time for the government to re-examine its export policy.

But we are most of all concerned about the effects of part IV of the proposed bill. In this section, the director named in the legislation will have far-reaching powers to control the waste activities in the municipalities, control over: the establishment of recycling, transfer and resource recovery facilities; the closing of any of these facilities; assessing the needs of the municipalities, and the financial management of these systems. The government of Ontario seeks these powers but has made no clear statement on how it intends to use this legislation.

No doubt, the municipalities will be telling you of their fears in this regard. Let me tell you of our misgivings in the private sector. The legislation seems to view the present waste problem as an exercise in power-sharing between the government and the municipalities. As far as this legislation is concerned, the existing private waste management industry simply does not exist. But right now we collect virtually all of the industrial, commercial and institutional waste, and we are responsible for most of the recycling of this waste. We also collect and recycle a good part of the residential waste in Ontario. Private industry was the first with the blue box program.

1110

One of our group has just invested over \$20 million in a recycling plant, but this company is only one among many. We have been in the recycling business for years. I had lunch last week with a gentleman who was working for a waste paper recycling company in Toronto in 1937. That is 50 years ago. I believe he is in the audience,

Madam Chairman. We employ thousands of people in the province, union and non-union, and yet one could read this critically important waste management legislation and not even know that we exist.

I suppose that at first sight to be left out of legislation is not all bad. Business has not always been receptive to government regulations. But we do need to know where our industry fits into the government's plans. To put it bluntly, does it intend to use the legislation to compel the municipalities to set up municipally owned and operated recycling facilities with all their attendant flow control and price control regulations? Such an initiative would devastate a flourishing private sector and create an unnecessary burden on the taxpayer.

We do not need a recycling industry in this province operated by public employees. The recycling industry works with a combination of truck operating skills, factory management skills and commodity trading. Government does not do these things well, and this is no discredit to the dedicated people in public service. It is a structural problem. Our industry operates to a simple rule. We must cover expenses with revenue. We can only recycle that which is economic or which can be made to be economic.

Yet one can read the plans, initiatives and proposed legislation and look in vain for the dollar sign or the words "costs," "prices," and "market demand." These words seem to have been expunged from the word processor. But in the singleminded pursuit of empirical goals of 25% reduction and 50% reduction, the facilities built at taxpayers' expense could become a reality. We fear that in the pursuit of these empirical goals, the province may view itself as the recycler of last resort and will move into grossly uneconomic programs to meet its goals.

The blue box program is an example of heavy costs borne by the taxpayers. Let us not repeat this with similar programs in the industrial and commercial sectors without careful thought. The recent government initiatives paper already mandates compulsory source separation by industry of certain items deemed by the government to be recyclable. This compulsory source separation is apparently to take place regardless of costs or available markets for the materials.

Ontario is in the midst of a financial crisis. Now is the time to take account of the costs and the benefits of our recycling efforts. Our message to the government is simple. We know a great deal about the waste and the recycling business and we are ready to invest in it. Make us part of your future plans and legislation. Let us all face up to the real costs of this waste reduction effort.

I would like to thank you and your committee for the opportunity to express our views to you today. I do not know whether this opportunity comes as a result of the strongly expressed opposition to the bill in the Legislature or as a genuine desire of the government to listen to the electorate. However, the end result is that we have been given the opportunity to get our point of view across: Do not ignore the private industry; we have been in this business for years. And do not legislate your way into government-owned and -operated recycling schemes—you will regret it. Thank you.

The Chair: Thank you very much for your presentation. I call now on members of the committee for questions. Mrs Fawcett.

Mrs Fawcett: I was very happy to see that you mentioned the far-reaching power of the inspectors, because that sort of jumped out at me first of all, especially if we really think about fundamental civil rights of land owners and of—well, anyone. Could you enlarge a little bit? How do you see the new powers that are to be given to these inspectors different from what they are now?

Mr Temple: I am not an expert on the act, but I have operated landfills and I do remember using the services of the Ministry of the Environment to gain access to a land owner's property for the purpose of taking samples when that land owner was unwilling to do it. I do not know whether it was the threat of invoking the powers of the ministry or whether they invoked the ministry. All I know is that we got on to the property. I think one should go back there and re-examine those powers.

Mrs Fawcett: But you feel that this new part of the bill is different?

Mr Temple: I think it goes too far.

Mrs Fawcett: Can you say how you feel it goes too far?

Mr Temple: First of all, if the ministry already has some powers it should re-examine those. I particularly object to the power to take anyone on. I think the land owner has a right to make sure he knows who is on his property. I can see the right of a ministry official going on there for the purposes of a landfill application, but the rights to take on anyone he chooses, and I would presume any quantity of people he chooses, seems to me to be an invasion of liberty and privacy.

Mrs Fawcett: With police backup.

Mr Temple: Yes, always with the police backup.

Ms Haack: I would just like to make one quick observation before I ask Mr Temple a question. While my riding is not the home of the future site of the Ontario Waste Management Corp, it is next door, and I can assure you that a lot of people in my area, all over the Niagara Peninsula, are very concerned about the kind of waste, toxic and otherwise, that would be moved into the Niagara Peninsula. I am very concerned about some of your remarks in here about the transportation of waste along the GTA boundaries and the fact that a number of the other environmental groups that have presented to us so far have indicated their, shall we say, joy at the fact that transportation within the GTA is all that is going to be allowed.

Mr Temple: You said, "Is going to be allowed."

Ms Haack: Is not going to be allowed. Sorry, my cold is getting in the way. Most of us outside the GTA are thankful that now Toronto is going to be responsible for its own garbage.

The government believes, very clearly, that the private sector does have a role, as we have had through a few questions of the earlier deputant, and it is obviously part of economic growth. If anything, a number of the things that have come out and will come out, as far as new industrial initiatives are concerned, will be around green industries.

Obviously your members will in fact receive grants and other economic incentives to develop those industries.

I would like to have you expand on your thoughts at this time on how businesses can really bring about waste reduction. I think that is something that is really important for us all.

Mr Temple: I wonder if I could touch first of all on this mad paranoia that we have about the government's involvement in this. Is that part of your question?

1120

Ms Haack: No. Basically, the question I am asking you is that, as opposed to my own observation, you have raised in your paper the issue of reduction and actually your industry's fear around the issue of being closed out of the waste business. I am asking you, as someone who is involved with the industry, how in fact waste reduction can be better achieved within the business sector.

Mr Temple: I do not think the industry as a whole has any quarrel with many of the aims and many of the programs of the present government. In fact, I think we were well consulted on the initiatives paper, which is really your first legislative move on that. I think we responded very sympathetically to that.

First of all, I do not think you should assume that, just because we feel we are left out of it, we are in any way against some of the things the government is trying to do. I think we are for the source separation in industry, but the point at which we become cautious is at a point of economics, where we ask, how are we going to legislate compulsory source separation in a situation where it is going to lose money for businesses? Is that a defence in law? That would be one of my worries.

I think the efforts to expand the blue box program are very praiseworthy. My own feeling is that the government should look more to the depths rather than the breadths of this thing and should put more effort into trying to encourage the level of participation. There are many communities that have found that making disposal difficult for home owners is one way of making recycling work. Right now, in the city of Toronto, I think I can put out 400 pounds of waste a week. I think it is six bags at 50 pounds twice a week; that is 600 pounds of waste under the present bylaw.

Many communities have gone to paying by the bag. I spent the winter in New Zealand two years ago. In the little town I was in one got 52 bags delivered to the door, and if you wanted any more you paid for them at \$4 a bag. When you start to do things like that, "Take it away for recycling and it is free; take it away as garbage and you pay for it," the participation goes up.

I have a file this thick on that in my office. The city of Seattle has been doing it for years. It is not without its difficulties. Nothing in life is easy, but I would suggest that the government take a serious look at that. I have written the minister and told her that I would be willing to let her have the information if she wanted it.

Beyond that, I think we are largely on the right track. I think that at some time the government might want to look at some of the initiatives the US government is taking a look at. I have in my briefcase here the recent Congress

report on financial incentives such as recycling credits and tax incentives. It is a fairly complex subject. I would not want to have to expound on all the alternatives right now. But there are other ways than saying you must recycle in business. There are incentive-type programs of varying degrees of complexity.

Ms Haeck: As you have pointed out, there is a gentleman sitting in the audience who has been involved with paper recycling for at least 50 years, which is obviously highly commendable. In fact, it seems to have taken us 50 years to get to this point. In the case of businesses, not just paper is being used but a wide variety of products. Is your association actively involved in research and development about how to reduce and recycle, trying to find those new markets, the niche markets of not just paper—though batteries are a concern—but for pens and plastic and whatever else is being used in business?

Mr Temple: I would not call it research and development, as we are somewhat limited by our budget. We are a trade association. We do have a recycling committee which deals with this and with problems in the industry and where we think the opportunities are. We meet on a regular basis to discuss this and encourage that among our members.

Mr McLean: On page 5 of your brief, you talk about section 13 of the act. It states that the MOE will advise the crown corporation as to the amount of waste that will be diverted from the proposed landfill sites during a 20-year period and that the crown corporation must use these estimates under any EA hearing process. How are they going to arrive at estimates? When we are looking at a 20-year span and the economy the way it is now and the export of garbage that we have, how are they going to be able to do this?

Mr Temple: Unfortunately, somebody has to do it. If you turn up at an environmental assessment hearing with plans for a site, I think you have got one of the central pillars of your argument. You have to demonstrate need and you have to say, "We need a site here, and there is going to be X amount of waste going into it." I think it is just a question of realizing the problem of doing this and saying, "Any estimates we make are going to be approximate." They are going to depend, as you say, on population, economic activity, recycling and so on. Having said that, I am not so sure it is really critical as to whether you are 20% or 30% or 40% out. I am not so sure it is a critical part of the hearings. The hearings all seem to come in the same size and shape regardless of the size of the site.

The point I was trying to make is that I do not think that whoever is the proponent in this should hide behind somebody else's estimates; having made those estimates, they should be in a position to be attacked on those and have all those approximations exposed.

Mr McLean: Thank you. I have another question, sir. You mention in your brief that the legislation should not restrict incineration. I am curious to know the experience you have had or any facilities you have seen, whether you are talking about energy from waste or whether you are talking about a complete incineration of everything or what experiences you have had with incineration.

Mr Temple: On a personal basis, the previous company I worked for, Waste Management Inc—I am now retired from it—built a plant in Tampa, Florida, which takes most of the Tampa area waste and I think generates 15 megawatts of electricity. To the best of my knowledge, it meets all the air emissions standards of Florida.

I would point to Florida as being one of the places where incineration is more likely to go than elsewhere. If you are talking about landfill in Florida, if you dig a hole any more than a foot deep it fills up with water. I do not think there is a great deal of clay in Florida. There are a lot of sea shells and sand.

I think the point would be that you should not eliminate any of these options from a hearing. They are site-specific. It may be that in Ontario one can make a better case for landfills; I do not know. That is the job of the Environmental Assessment Board to decide. One should not take a stand in principle on these things.

Mr McLean: The other question I have is with regard to export of waste. We in Ontario are now a large exporter, I believe, to New York and there is nothing in the bill that refers to that, as far as I can see, whether we are going to continue to increase export or whether we are going to do something else. What is your opinion on the exporting of waste?

Mr Temple: I have to be quite pragmatic about it. As far as export goes in Ontario, we should be so lucky that someone has taken that initiative. The waste is being transported legally. It is going to permitted sites in the US and those sites are managed. The EPA regulations and the state regulations in the US are every bit as strict as ours, and I have no reason to think they are not implemented in any way.

They are helping us in Ontario to gain more lead time. We are already talking about months and perhaps a year. I spoke to someone in Metropolitan Toronto fairly recently. They are now talking about 1996 and onwards before they are going to run out of capacity. Of course, partly this is due to export and partly due to the economy. I really do not think we have any choice. The minister is in the position of having to override all the facts and cause a lot of problems in expanding these sites. I do not for a moment say it was a problem generated by the minister. The parcel was going around and the piano stopped playing and the present minister was left holding the parcel. But I think export is probably the lesser of two evils at the moment, and I think that when we have lots of space and lots of room in Ontario, then we can start getting principled about it.

1130

Mr McLean: Do you have any recommendations on how the Environmental Assessment Act can be changed in order to have a level playing field for all people, whether it is the government ministries or whoever wants to apply to have a landfill site established, whether it is in the GTA or anywhere in the province, provided they had guidelines laid out that they could have a site improved within five years? If you have any recommendations, I would like to hear them.

Mr Temple: That is the kind of subject you could sit all afternoon and talk about, I am sure. I have never been

through an Environmental Assessment Act hearing. I have spent months, even years, with the Environmental Protection Act, and I think it is the same structure.

I would think that initially one has to improve the response time by the ministry to requests for information and for the processing of applications and documents. I am sure the ministry has its problems with staffing and the checking of these things, but the main complaint I hear on what extends the time is getting into a position to hold the hearing.

Having got to the hearing, if there is any way of cutting back the adversarial situation you have there—if you have 10 proponents and 10 lawyers, you have, theoretically, 100 cross-examination situations.

That would be all I would say in a short time.

Mr McClelland: Mr Temple, I want to pursue a point that you brought up. You make reference to it on page 9 and page 10 of your brief. On page 9, you say, "As far as this legislation is concerned, the existing private waste management industry simply does not exist." On page 10, you more or less ask a question without putting it into an interrogatory form: "But we do need to know where our industry fits into the government's plans."

To date I think what we have heard—certainly the previous deputation indicated that the indications have been a sentence or two from the minister on Monday of this week, and today we hear from my colleagues that the private sector is welcome. I understand that does not give you a great deal of assurance and I know that it is not a whole lot of hooks to hang your hat on at this present point in time, and I would ask you to pursue that thought momentarily.

Out of interest, you also indicate something on page 4 of your brief. I do not know if you know that Mayor Cooper of Kingston, as chair of AMO, was here yesterday. She said that in her view there were two classes of people created with respect to the Environmental Assessment Act: those within the GTA and those outside the GTA. It seems to me that you are saying here that there are now three and possibly four: the government, those within the GTA, those outside the GTA, and the private sector.

In terms of fairness, operating principles where you know what you are dealing with, the vagueness in terms of the response from the government—quite frankly, I do not know what it means to say the private sector is welcome. I am sure you do not know what it means.

I would like you to expand on the viability of the private sector. You have indicated that this bill does not give you much assurance; in fact, it raised some concerns. What we see is some negative response and people shaking their heads opposite. Quite frankly, I do not find that sufficient comfort. I am not sure whether you do.

I would like to hear more about where you see these apparent contradictions. You are hearing today that the government is welcoming the private sector. On August 13, 1990 the government said that only a publicly run waste management system was viable for the province of Ontario. Only a publicly run system was acceptable to the New Democratic Party in August 1990. Of course, at that time they said, "In all cases we are going to have an Environmental Assessment Act," and that was sacrosanct, so

things change. They very well may have changed; maybe now the private sector is welcome. The Environmental Assessment Act was sacrosanct in 1990; apparently it no longer is. The private sector was not welcome in August 1990; maybe it is now.

What comfort level do you as a private industry have in terms of where we are going with Bill 143? You have indicated here that you are not comfortable at all. Are there any assurances that you have had forthcoming?

Mr Temple: I do not feel any different now from when I wrote the paper. I guess our mild state of paranoia springs from several sources. One is we suspect that perhaps there are ideological roots in the present government. We have elected a New Democratic Party; I do not think it is entirely a government of Ontario problem. From what we have seen of the municipalities, Metro Toronto's attempt to modify section 60 or 66 of the Municipal Act, I think it was—excuse me if I get the numbers wrong—that deepened that paranoia. It would seem that Metro was trying to take over the private sector, and all we can draw comfort from, I think, are some rather polite reassurances that somewhere we fit into the structure.

I would like to talk to the government about this and find out in more detail where we fit in. I cannot invent the solution. It is just that we need some comfort if we are going to put some money in. I think it would almost go to the point where if we could get some reassurance from the government that it would not invest public money in recycling plants until it was convinced that the private sector was either too lazy or too stupid to do the job or that it was simply not economic for the private sector to do it, if we could get some reassurance that all of these would be examined in the light of private sector investment, that would give us a lot of assurance.

Mr McClelland: Supplementary to that, Mr Cook of Laidlaw was somewhat reluctant to comment specifically in terms of what-ifs. That is an unfair position to put anybody in; I recognize that and in a sense I apologize for that up front. But you have had many years of experience. You represent a number of companies. I am not asking you, and I would not even consider asking you, to betray any confidences in terms of what may be happening in the industry, but from your assessment based on your many years of experience and your representation of companies across this province and your international experience, would companies come to Ontario today?

Second, what is the risk in terms of companies leaving, taking their capital out and costing many, many jobs, based on the uncertain climate in which the private sector is operating?

So a twofold question: From your personal assessment, is there any reason to hope that the private sector would presently be prepared, without some changes, to invest, and is there a risk that many are prepared to leave or certainly considering leaving? I am not going to get into specifics, but I know a company left, folded its headquarters and just moved out of here last year, a major operator in waste management. Is there more of that to come?

Mr Temple: I think there is a risk that the present uncertainty will discourage investment, and I do not think you can quantify that risk. I think it all depends on what you are going to get into. The waste collection business is a pretty portable kind of business. You crank the trucks up and you can take them elsewhere. But when you start to commit money, when you start to put the footings in and build the steelwork and start to put cement into the ground, which is not portable, I think there is a genuine fear that there may be government initiatives in this field which would obsolete that. I get calls from people asking me what I consider to be the climate, and I say, "Wait and see." I just do not know, and I am talking now about major capital investment.

Mr Lessard: I want to thank you, Mr Temple, for your presentation here today. I can assure you, at least myself, that we are not going to be ignoring the private industry, and I can tell you that personally I am here out of a genuine desire to listen to what you and other people have to say about waste management here in Ontario.

I know that in the Windsor area there is a partnership between the private sector and the public sector in dealing with waste management, and we are experiencing a lot of problems that are being experienced in the GTA right now as well.

You talked about one of your members investing \$20 million in a recycling plant recently. I wonder if you could tell us a little bit about that operation: where the waste comes from, what sorts of materials are separated, what the markets might be like and what the future is for that particular investment.

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Mr Temple: It is an appropriate question because it is my former employer. The company is Waste Management. It invested in a plant in Etobicoke which is a factory-type situation which takes dry, mingled waste and recyclables and separates them in factory conditions. I might say that some of the new legislation threatens to render that method obsolete, and I can expand on that if you wish.

Mr Lessard: Yes, please do.

Mr Temple: There are two approaches to this method of getting recyclables out of waste. You can either say we will do it at source, as in the blue box program—we will make the generator of the waste put it into a variety of nice, neat little pots; second, we can separate it to some degree into wet and dry waste—obviously the wet waste is putrescent waste—and we can do the sorting in a factory.

There is a great deal of constructive conflict going on in the industry now as to which is the best way. It could be that there is no one best way, that it settles down somewhere in between depending on the location. For instance, in the downtown area it is hard to put 10 different kinds of boxes around when you do not even have room for your garbage can.

I think it is unfortunate, but it would seem the trend of the legislation is to take sides in that debate and say, "We are going to compel you to source-separate." I think we would like some clarification from the minister that she is not going

to necessarily take sides in what could be a very constructive conflict over the years as to where this settles out.

But the plant is designed to sort waste and to take out, if I am right, corrugated cardboard, newsprint, metals, glass and plastics. It is partly mechanical. There are things that do a very rough sort, but then it comes down to what most of these are, which is conveyor belts with people seeing a bit of this and a bit of that and a bit of the other. That is all I can tell you.

Mr Lessard: You seem to agree more with source separation, if I get the drift of your oral presentation. You make reference to the blue box program, which is some source separation, and you seem to use that as an example of something that was a good idea to start with. You also made the comment that this is an example of heavy costs borne by the taxpayer.

Mr Temple: Yes, indeed.

Mr Lessard: So you are somewhat critical at the same time. I wonder if you can explain that.

Mr Temple: I do not think I would want to be characterized as taking sides in it. It seems to work well for the blue box program for residential waste, but residential waste is not industrial waste. The makeup is different.

I do not think there is any doubt that you cannot match revenue and expenses with the blue box program. It is costing more to do than the value of the recovered product. I am not being particularly critical about that, because it seems to be what society wants; people are willing to pay the price. The only thing I would say is, can we get more out of it? The cost of picking up in blue box programs is the cost of driving around, and I think if we were to be source separating 5% or 10% more in the blue box programs, it probably would not cost much more to operate the program. That would be my comment on the blue box program. One of the ways is to say to the householder, "It's so much a bag for your waste"—so much again.

The Chair: Mr Lessard, there are just two minutes left for your caucus, and Mr Martin, Mr Wiseman and Mrs Mathysen have all requested time.

Mr Carr: Thank you for the presentation. I must say I am impressed that some of the other members across are starting to talk about cooperation with the private sector, and I am sure they will be encouraging their other cabinet ministers and the minister in particular in that regard, because I think it is important.

As you know, the decisions that will be made on bills and so on quite often are made around the cabinet table, and I am sure the parliamentary assistant—but I did want to commend some of the people who have mentioned that. I suspect, though, that some of it may have been the result of last night. Some of the people who in the past have been driven by ideology are now confronted with reality, but I did want to compliment some of the folks on the other side who are saying some of those things.

I was wondering if you could characterize your relationship with the ministry, both on this particular bill and in some of the other areas. I know it is difficult sometimes to come into a forum and be critical of a government, if you were going to be, so what I might suggest is, if that is

the case and you do not feel comfortable, maybe you could describe any other jurisdictions where cooperation between government and private industry is working. I know you talked a little bit about some of the things that happened in Florida. Could you maybe describe your relationship with the Ministry of the Environment, and then give us some idea of where else some of the relationships are working, with some examples of what you would like to see.

Mr Temple: One relates to the Ministry of the Environment on several different levels. First of all, to a lot of our members they are, quite rightly, the policemen and we are the policed. Their responsibility is to administer the environmental statutes, so it is quite a correct and somewhat adversarial relationship because of the nature of the job.

I think we have had a fair amount of input to the ministry through various working parties and committees; I could not trot out every committee we have been on right now. I think we were well consulted on the initiatives paper. They took a great deal of trouble to put the show on the road, but there is a lot of difference between giving your views and being listened to and seeing something come out. Looking at the legislation, one would wonder if they were really—perhaps we are not eloquent enough, or talking in a loud enough voice or whatever, but looking at the legislation, which by the way we were not consulted on, I was somewhat disappointed to see that we were not consulted.

I do not think we are a shy bunch of people, and I think we have been saying to the ministry when it has been good enough to listen to us—and the minister was good enough to be the guest at our annual dinner meeting. I sat next to her and I had an opportunity to talk to her, but I would have liked to have seen something more reassuring in the legislation that would take away this, as I say, mild case of paranoia that we have in the industry.

As to other jurisdictions, I really could not comment on that. I am not an expert on the relationships between people in other jurisdictions.

Mr Carr: Thank you. I do not think it is that you are not eloquent enough, that is for sure. In all fairness to the ministry, sometimes when we talk about consulting, it is difficult with time lines; but like a lot of people, I would be surprised that you were not consulted on something like this. Hopefully governments will learn from some of the mistakes that are made, given in the spirit that it was.

On page 8 you talk about some of the powers of the director, and you elaborate on some of your concerns. On page 9 you go on to say, "As far as this legislation is concerned, the existing private waste management industry simply does not exist." Is it one of your fears that giving so much power to a director, which could then lead to the situation of a director being all-powerful, regardless of what any government of the day's philosophy may be, that the director, he or she, may exercise those powers? Is your concern specifically with power being so much with the director? Maybe you could elaborate a little bit on your concerns in that area.

Mr Temple: I do not think we have a concern as an association, but personally I always thought that the director was responsible to the minister for his actions anyway.

To me, I do not see it as an issue. If the minister chooses to delegate some of her powers to the director, I would imagine that the minister, he or she, cannot escape responsibility for the acts of that director.

Mr Carr: So it is not with any specific issue, it is just the fact that there is so much power. Thank you very much for your presentation.

The Chair: Thank you, Mr Carr. Mr Sola?

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Mr Sola: Thank you, Madam Chair. Sir, you state that landfill should be sited for minimal overall environmental disturbance, regardless of political boundaries, and I think most people would agree with that. I am asking you, is there any logic to placing political boundaries on waste disposal and landfills, or is this simply a method to eliminate the private sector in a shadowy manner?

Mr Temple: I do not think it has anything to do with the private sector whatsoever, I think it is a problem that transcends that. Perhaps I can be corrected, but I understood the reason for the minister putting the boundaries in there and saying, "Peel's waste must be in Peel and Halton's waste must be in Halton," is that one would be made responsible for one's own detritus, as it were, that you would wallow in it and that would make you somewhat more responsible. I personally cannot subscribe to that. I think it is a well-intentioned idea, but I think as long as the truck leaves your house and goes to the end of the street and there are no seagulls swirling around at the end of the street, that is it, man, it is gone. I think it is a well-intentioned move that I do not think will work.

Political boundaries have come in just because of practical politics. People have said, "Well, we ain't taking their waste and we are going to build a political boundary around our community."

Mr Sola: But the political boundary, is that not simply a method to encourage public waste management systems rather than private ones? You mentioned that New Zealand had another way of getting around its waste disposal problems. Could you touch on that, please? You know, in order to be efficient, the private sector gathers as much waste as it can, regardless of political boundaries, and then it disposes of it, whereas in the political realm, jurisdiction is more important than efficiency, and you could subdivide it into municipalities or regions or whatever.

Mr Temple: There is no doubt that from a practical viewpoint, if a municipality makes up its mind to say, "We are going to produce a waste master plan, and this is going to be the master plan for this region, and we are only going to have one site in this region," it makes it somewhat difficult for the private industry to function, and that is one of the reasons you are not getting some of the applications. That is just the practicality of the fact that the community has said, "We are only going to have one site," and the community is not likely to give a monopoly of that one site to a private company.

I think a lot of the smarter communities might say, "We are only going to have one site, but we will contract out the design, building and operation of that site to private companies." I think that might be smart.

Mr Martin: It seems to me that this issue particularly is one that we very much inherited when we arrived at Queen's Park on September 6, 1990, and was actually a Pandora's box that, as it unfolded, became much more interesting.

Mr Temple: You are talking now of the waste crisis, are you?

Mr Martin: That is right, yes. We had a waste crisis that was mounting and actually caught up with us and darned near swamped us.

The intention of this piece of legislation was to do two things: to look into the future regarding how we might manage more effectively the waste management challenges that will come at us invariably into the future, and also to deal with an immediate problem.

The question I wanted to address to your predecessor and colleague—and I was not here to do it but I will now do to some degree with you—is to explore the participation of the private sector in arriving at the problem that we have today, and why there was not a more positive outcome to that, so that we are in the present situation. What leads you to believe that there would be down the line a more positive answer to the problem than what we have laid out here in this legislation, or the context within which this legislation puts the resolve down the line?

I know, for example, that in Sault Ste Marie the city is involved in the waste management business, and so is Laidlaw. They used to own the landfill site; they do not any more. There were some problems and the city took it over. Could you maybe comment on those comments?

Mr Temple: That is about three things, I guess. The waste crisis: I think those of us in the industry have watched this thing develop with fascination. I mean, it was obvious long ago that it was going to take six or seven years to get a site and that the GTA had three or four years left. It was the old schoolboy conundrum of the irresistible force meeting the immovable object. At some point something had to give. I think it was just a question as to who did what and to whom. When you do not have enough time to get a new landfill you have got to take some emergency powers.

I do not think you should finger the private industry for not doing the job in that period. I was instrumental in getting the last major private landfill going in the GTA. By the way, that was Maple and it was a private landfill that was permitted through all levels of government and eventually was sold with all permits intact to Metro Toronto. I spent several years of my life getting that going.

I think it was such an exercise that a lot of the private industry looked at the regulations, the Environmental Assessment Act and the 10 years that Halton had taken to get it done and said they simply could not risk their shareholders' money on those kinds of things. It is just beyond us now. It is just too difficult for a private industry to get a landfill under the present regulations. I think it is just as simple as that. I think it is interesting to note that at the end of this process at Maple we chose to sell it to Metro Toronto.

Mr Martin: May I ask a supplementary?

The Chair: No, put it on the record after. Your time is up.

Mr McLean: I just have one question, Madam Chair. Mr Temple, you are a director of the Ontario Waste Management Association. You represent an association of private waste industry companies that number more than 300. Your people are engaged in aspects of the waste and recycling business including collecting, disposal, recycling, manufacturing and supply. You have lawyers and consultants that you represent.

My question is to the ministry, and I would like a written reply to this, Madam Chair. Why was private industry left out of the people that you were to contact? They indicated today they were never contacted. They are representing all these companies. I would like a reply from the ministry of who they contacted in private industry and why private industry is not referred to in this legislation.

The Chair: Thank you, Mr McLean. Questions for the record only. Mr Martin.

Mr Martin: To follow up the question I had asked, I was going to move into perhaps exploring actually what role you see more concretely the private sector playing within the context of the legislation that we have now put here. I think we would be most interested in that kind of information. Certainly the private sector is involved in a number of committees established by the ministry. The obvious one is the waste reduction advisory committee, which your colleague who appeared before us previously belongs to. Certainly, I think the direction that we want to go should be clear to you: recycling, reduce, reuse.

The Chair: Question, Mr Martin.

Mr Martin: Within that, I am wondering if you might share with us what role the private sector sees itself playing as we move into the future with this problem.

The Chair: Question, Mr Wiseman.

Mr Wiseman: My first question is to the delegate. You made reference to changes that have taken place in the United States and I would like to have an understanding of what those changes are, so if you could add those, and maybe an evaluation of what the added costs are going to be for companies to do business in the United States with respect to waste. I would like to have some indication, if you know what they are, of the suggested changes to the Environmental Protection Agency in the United States in this area, and perhaps, if you have done an evaluation, what impact that is going to have on Ontario.

The Chair: Question, Mrs Mathysen.

Mr Wiseman: I have one more. My second question is to the parliamentary assistant and staff. It is that this question of inspectors continues to be raised and I think it would be very helpful to have the ministry staff tell us in a written form, and perhaps orally, the relation of the inspectors' powers to the Charter of Rights and Freedoms and the powers that exist in other acts like the Expropriations Act and all those other wildlife acts and so on. I would like to know what powers are available and how they compare to the powers that are being outlined in Bill 143.

The Chair: Question, Mrs Mathysen.

Mrs Mathysen: I am asking for some clarification and a response. Through the brief you have suggested that you are very wary of government intrusion into waste management and yet on page 13 of your brief you have suggested in your statement the desirability of government listening to the electorate. From my point of view, the electorate is telling us very clearly that we have to be responsible and manage our environment better, and that includes responsible waste management. Society is saying government is to manage this. Would clear rules, regulations and waste management objectives in terms of reduction not help your industry do its job in fulfilling the needs of society in meeting those demands?

The Chair: Question, Mr Lessard.

Mr Lessard: I would request that Mr Temple provide the committee with some ideas as to amendments that he

would like to see in Bill 143 that would provide some assurance to private industry that they do have a role in waste management in the future in Ontario.

The Chair: Thank you very much for your presentation today. We will be providing you with a copy of the questions that have been asked, and if you could and would like to respond in writing to the questions we would appreciate it. We cannot compel you to do so. You can do us a favour if you will and we appreciate that. If there is additional information over the course of our hearings that you feel would be helpful we would appreciate it if you just communicate with us in writing.

Mr Temple: Thank you, Madam Chairman.

The Chair: Thank you.

The committee recessed at 1202.

AFTERNOON SITTING

The committee resumed at 1402.

RURAL ACTION ON GARBAGE
AND THE ENVIRONMENT

The Chair: The standing committee on social development will come to order this afternoon for public hearings on Bill 143. Our first deputant is Rhonda Hustler. Please come forward and introduce yourself. I believe you are here on behalf of Rural Action on Garbage and the Environment. Just for the purposes of Hansard, introduce yourself for the committee. You have an hour for your presentation, and the committee has asked if you would leave some time for questions from committee members. We welcome you to the committee this afternoon.

Ms Hustler: Thank you. My name is Rhonda Hustler and I represent Rural Action on Garbage and the Environment. On behalf of RAGE, I welcome this opportunity to speak with you today about the critical issue of waste management in Ontario, in particular Bill 143. The members of RAGE believe it is essential to express our views about the process currently under way determining the province's future waste management system, to explain the issue in our terms and to make specific comments on part II of the bill. While Bill 143 has some areas that need clarification, it has many strengths, and we hope to provide this committee with constructive commentary from citizens across the province.

RAGE members live in communities once targeted for GTA waste, landfill and incineration, so we are especially aware of the crisis and the importance of developing an equitable provincial system.

The RAGE coalition represents 10 citizens' groups across Ontario, with the combined support of over 25,000 citizens. Our 10 communities were targeted for GTA waste transport in 1989 and 1990, particularly disposal of waste from Metropolitan Toronto. The RAGE groups are still committed to responsible waste management. Because we support part II, waste disposal sites, in Bill 143, we believe that waste must not be transported hundreds of kilometres from the solution. We believe there are positive alternatives to hauling garbage around the province for either landfill or incineration.

Critics of part II offer several arguments, most often that if a "willing host" site has a full environmental assessment along with employment opportunities, GTA waste should be transported. The argument refers explicitly to Kirkland Lake but implicitly to other potential sites across the province. In theory this argument may sound reasonable, but in practice we know that it creates enormous problems.

To understand our position, consider our experience with the transport issue. As you know, in early 1989 the greater Toronto authority on waste management was developing long-term solutions for the five regions of York, Durham, Peel, Halton and Metro, and advanced a policy of municipal and regional responsibility. No mention was made then of waste transport for disposal in landfills or incinerators beyond GTA boundaries. At the same time, many of us in

other municipalities, counties and regions across the province were participating in waste management master plans designed to serve local needs within our own boundaries. We thought the GTA regional management plan sounded equally logical.

But Metro Toronto took a different route, becoming a political force of its own, searching for sites across Ontario, operating according to its own interests, and the Expressions of Interest information report in late 1989 placed rural Ontario under siege from companies such as Browning-Ferris Industries, Notre Development Corp, Laidlaw Waste Systems and Ogden Martin, not to mention dozens of small business garbage entrepreneurs trying to cash in on the garbage crisis with new landfill and incineration proposals. Despite public outcry from our communities, Metro pushed ahead with these proposals and opened a Pandora's box of waste disposal chaos, the effects of which we continue to feel in rural Ontario.

Yesterday Brennain Lloyd presented the Northwatch position on the willing host theory and I echo her comments. The Kirkland Lake referendum, often cited as justification for transport, did not mention the key words "GTA," "Toronto," or "disposal," or the private business interests of Notre Development. The Adams mine project would be only the first of many such projects, and as we saw in 1989 and 1990, private proposals would spring up around the province.

I should emphasize here that thousands of rural citizens strongly opposed these proposals and public opposition grew each day as more and more proposals surfaced. We were not simply opposing a little dump down the road. Many of us already live near county landfills and accept responsibility for our area's waste, but these proposals meant literally hundreds of trucks or train cars transporting millions of tonnes of Metro's garbage for at least 20 years. None of our communities has anywhere near the required infrastructure or services and we were not prepared to transform our communities into garbage centres.

We were not in any sense "willing hosts," a term coined to promote the notion that shipping Metro's garbage to rural Ontario could be considered a benefit, a kind of social service, and that we in turn could be persuaded that as a host community we were performing some kind of valuable social function. Although we opposed the landfill and incinerator proposals, the proponents proceeded with their plans.

At Orillia, Nelson Aggregate proposed 6,000 tonnes of garbage per day, 52 million tonnes a year, to a 400-acre quarry filling with water from underground springs. At Marmora, Armbró Materials proposed dumping 20 million tonnes of Metro waste into the Marmoraton open pit mine, a 75-acre lake with 340 feet of fresh water. At Cayuga, private businessman Neil Slack proposed an incinerator and landfill on 407 acres of wetlands at the headwaters to the Grand and Welland rivers. In southern Ontario we had a proliferation of proposals, particularly in Lambton county, often considered the mecca of garbage disposal. In Warwick township, Laidlaw Waste Systems proposed disposal

of eight million tonnes of GTA waste over 300 acres of agricultural land.

In Plympton, just down the road from Warwick, a private developer offered Metro 700 acres of class 1 farm land for Metro garbage. In Moore township, still Lambton county, and in the city of Sarnia, Ogden Martin proposed giant energy-from-waste plants for 3,000 tonnes per day. In Petrolia, Metro offered nearly \$40 million to the village for its 100-acre landfill. In Kent county, Harwich township, the BFI facility proposed expanding its landfill by another 175 acres of agricultural land for Metro's garbage.

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In each instance RAGE communities were promised economic opportunities and social benefits from living with new landfill sites and incinerators based on GTA waste. We said no then and we still say no, because transporting waste to rural communities offers none of us real solutions to the garbage problem.

Proponents of waste transport may be truly naïve to think that our rural communities would welcome waste for landfill-incinerator proposals when communities in the five regions of the GTA oppose them. Rural Ontario citizens are not fooled by million-dollar promises that carry with them Third World attitudes and a garbage economy that will make our communities depend on, in fact demand, the steady generation of GTA waste to sustain our economy. Establishing garbage economies in rural communities will abuse and contradict the progressive environmental policies of waste reduction and conservation.

Some provincial members of Parliament advocate transporting GTA waste because they believe a solution cannot realistically and practically be found within the boundaries of Metro Toronto; GTA property is too valuable, the population figures too high. Their arguments suggest a rather narrow view of the province and community values. Are they suggesting that GTA homes and neighbourhoods are more important than those in the north or southwestern Ontario?

We often hear the argument that it has to go somewhere, suggesting landfills are a necessary evil; that the 3Rs of reduce, reuse and recycle cannot possibly hope to solve Metro's latest garbage crisis, so the garbage has to go somewhere, preferably somewhere else. Without landfills, garbage will pile up on the streets of Toronto and on property too valuable for garbage disposal.

But RAGE believes that "somewhere" must be within the greater Toronto area. If a person's garbage disappears every Tuesday morning on the back of a garbage truck bound for a rural township, individual responsibility disappears too: out of sight, out of mind. Transporting garbage to somewhere else encourages people to throw away garbage year after year with no real commitment to conservation. The incentive to conserve and reduce waste is diminished when GTA citizens know the waste they generate goes away literally and figuratively to some other place. Transporting waste reinforces the "out of sight, out of mind" mentality that encourages greater waste of non-renewable resources.

Rural citizens would also lose their sense of responsibility if we saw garbage trucks from the GTA hauling

waste into our neighbourhoods. If the GTA appears to have despaired of solving its garbage crisis, we too will abandon our initiatives, concluding that such responsible waste management is beyond our grasp and the crisis is unsolvable.

Living with the realities of one's own waste reinforces conservation, increases environmental awareness and makes each of us sensitive to garbage problems and solutions. Sites must be located near where the garbage is generated, and GTA politicians and provincial representatives need to say, "It has to go somewhere here."

The RAGE coalition has had considerable experience in the issue of incineration, having studied various energy-from-waste proposals during the past two years. We understand that your committee has already spent several months studying reports and you have an abundance of documentation. We do not presume to rewrite those studies or tell elected officials how to respond to an issue; rather we would like to offer you a summary of our position to assist you to choose other strategies for waste management.

Ontario's Ministry of the Environment estimates that incinerating 3,000 tonnes of waste leaves 1,000 tonnes of ash to be landfilled, as well as 100 tonnes of hazardous fly ash that requires disposal as hazardous waste at enormous cost.

Often proponents of EFWs claim that incinerating garbage eliminates the need for landfilling on agricultural land. But Ogden Martin's representative in Lambton county, Harry Olivier, admitted last fall at a public gathering that his company's proposed incinerator for Moore township, Lambton county, at 3,300 tonnes per day would fill all of Lambton county's landfill capacity, plus require additional acreage to bury the residue ash.

The economic risks of bottom and fly ash disposal have been realized at London's Victoria Hospital EFW incinerator. The Victoria Hospital fly ash was sent to the Westminster landfill site outside London until the Ministry of the Environment ordered it to Tricil at an annual cost of \$500,000. Even escalated tipping fees could not balance the financial debt of fly ash disposal. In just three years of operation the London EFW lost \$13 million and will be closed if a buyer cannot be found.

Incineration undermines the conservation of resources by relying on a mixed waste stream of plastics—oil—and paper—wood—to reach the required BTUs, a mix that creates dioxins in stack emissions. After taxpayers invest billions of dollars to build and operate an EFW, they have to produce a steady volume of garbage for decades, and waste reduction and diversion work at cross-purposes to fuelling an incinerator.

Energy-from-waste plants perpetuate the myth that garbage can simply disappear as we rationalize our consumption of resources. But often the energy costs of constructing and operating the facility, as well as the downtime of the facility, offset the energy produced from burning waste. Some US operations report that fluctuating energy production caused by the mixed waste stream reduce efficiency.

Stack emissions pose considerable health risks. In 1988 the city of Toronto passed a moratorium on all solid waste incinerators because stack emissions created health risks for area residents. Even when faced with a critical garbage

crisis for the past two years, councillors did not turn to incineration as the solution.

Documented health studies now support long-standing health complaints from citizens living near EFWs. Citizens near Toronto's Commissioner Street EFW incinerator documented health problems associated with lead levels and their public opposition to incineration forced the plant to close after only seven years of operation.

Residents near London's Victoria Hospital EFW and Moore township's Laidlaw environmental hazardous waste incinerator would tell us that burning waste harms both the human and natural environment.

The Detroit incinerator, for example, exceeded legal mercury levels by 30% from the first day of operation. The Ontario provincial government has serious objections to plant operation. More recently, Orillia physicians and the Ontario Medical Association officially opposed incineration in their health study. Lambton county officer of health Dr Greensmith stated last fall that his concerns with EFW facilities prevented him from supporting an Ogden Martin incinerator proposal for the area.

Technology for cleaner stack emissions has a catch-22: the more pollution controlled in the stack, the more heavy metals caught in the ash, the more toxic the ash and the more costly its disposal at a hazardous landfill site. Very often the facility does not run at full efficiency levels and emissions fluctuate. As the technology ages and costs increase, the pollution control devices deteriorate. Emission standards acceptable today will no longer be acceptable to the ministry or the public even 10 years from now when state-of-the-art technology has become state-of-the-ages machinery.

Incineration is a consumer and technology fantasy which says that we can continue to consume our world and that our waste will disappear in a sleek industrial process. We will never have to take responsibility for garbage. Incineration proponents promise jobs, energy and state-of-the-art technology. We in turn try to legitimize our garbage with incineration.

We need to reduce garbage by banning excess packaging and disposables, while implementing mandatory composting, reuse and recycling programs. If we recycled cardboard and paper at 25% of the waste stream and composted 30% of food and yard wastes, we would reduce 55% of all our waste, more than incineration and without the environmental problems of landfilling ash and stack emissions.

We might ask the proponents of incineration how much money is allocated for the study of alternatives and implementation, the recycling component versus incineration. Even if recycling reached the 15% level, the need for incineration and landfill expansion would drop significantly. Witness the success of the non-profit Blue Water Recycling Association in Lambton county where, together with composting, we have seen a reduction of waste of approximately 25%. If we recycled paper and cardboard at 25% of the waste stream and composted 30% of food and yard wastes, we could reduce 55% of all our waste.

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If we choose incineration EFW, we commit ourselves to considerable expense and personnel to research, develop-

ment, design, installation, operation and monitoring of incineration, which draws funds and talent away from the development of alternative strategies. Once built, these facilities will not be replaced or waste reduced, regardless of changing attitudes or scientific knowledge.

Incineration removes the incentive to develop new strategies. Incineration capacity, based on current habits and projected waste volumes, ensures we will not reduce waste. Incineration guarantees the generation of garbage. Any plans to scale down the operation will be difficult to accomplish. Incineration on a large scale guarantees a long-term, self-perpetuating demand for waste. The flow-control contracts grant exclusivity of supply to an EFW. Incineration and recycling work at cross-purposes. Incineration strategies tend to set upper limits of recycling at 25%, whereas recyclers argue that we could reach twice that figure.

Finally, incineration is not waste disposal but waste processing, from solid waste to ash and gases. Incineration is not a long-term solution but simply another technology applied to the problem of waste management. Every time we burn or bury garbage, we waste resources that in turn must be replaced.

Let's say that the perfect incinerator could be developed: no air emissions, no hazardous ash. Such an incinerator would do nothing to diminish the industrial activities that add to the greenhouse effect, global warming, damage to the ozone and pollution to air, water and soil. Incineration promotes consumption, whereas the alternatives promote conservation of the earth's resources, including its inhabitants.

When choosing methods for waste management, I suggest that the alternatives of the 3Rs and composting be considered as closely as industrial facilities, that public education aimed at conservation be as important as bury-and-burn technology.

Landfills and incinerators are not particularly popular within the GTA or in rural areas. Are we all just NIMBYs looking out for ourselves? How are RAGE groups different from GTA citizens, who think waste transport is the solution to a difficult problem? One difference is the political reality for GTA citizens who live within the five regions and share a common geography, political and economic region. They have the right to vote in the regional elections and those elected to municipal office have a voice within the GTA regional government.

In other words, they have a political and social voice in their own regional government, a voice that will call for direct action on reduction and conservation in their neighbouring regions, a voice of real political and social pressure on GTA citizens to reduce the volume of waste going to regional sites, a voice to effect real change in their own regions, where municipal accountability is possible.

In comparison, rural Ontario people have neither a voice nor a vote, neither social nor political pressure to affect decisions in the GTA, and when in 1989 and 1990 we came to Toronto to oppose transport proposals, we had no audience either. But surely we are more than NIMBYs, although we probably all begin these issues with self-interest and a special focus on our own local situation.

It has been my experience that with information we move through that initial stage to a degree of enlightened

self-interest that searches for equitable and lasting solutions. Many RAGE members now are actively involved in a variety of environmental issues that serve the interests of all people in Ontario. We believe that Bill 143 expresses the same kind of enlightened self-interest for us all.

A final argument criticizes Bill 143 for sacrificing the rights of the individual for the needs of society, in particular the rights of GTA residents who must live near the sites. While we understand that view, we also believe that transporting waste from one large urban centre to a small rural community will sacrifice one region of the province for another, the rights of rural residents for the needs of urban society. If we consider, as we must, the issue of social need versus individual rights, we can only conclude that when regions take responsibility for their own waste, social needs will be met and the rights of the individual protected.

Public ownership of waste management is essential to our discussion of transport. Disposal deals with Browning-Ferris Industries, Laidlaw Waste Systems, Stinnes Enerco, CN-CP, Nelson Aggregate, Armbró Materials and other private developers created tremendous conflict in our communities as they proposed landfills and incinerators across the province. Private companies consider garbage a growth industry and have little interest in fewer landfills or less waste. Their interests run counter to those of us who want responsible waste management designed for conservation and reduction of waste.

Site proposals originate with private garbage companies intent on developing new sites or expanding existing landfills for profit. A member of the Legislature put it best when he said, "The whole business of garbage is really one of those things that generates an awful lot of cash for people involved in it."

Garbage, of course, is never a problem for Laidlaw and BFI but a lucrative opportunity to make literally billions of dollars from the public taxpayer, and several of our communities still face massive landfill expansions where disposal fees can be many times greater than capital and operating costs, creating what economists call a monopoly rent.

Many private firms still hope to capture huge disposal revenues generated by GTA garbage over the next 20 years, public dollars going to private interests. Without public management of waste through waste management master plans, private waste disposal companies will monopolize site development, transportation and disposal, while reduction and diversion programs receive only token efforts.

It is an illusion to assume that the public will somehow avoid paying the costs if the investment in EFW plants and landfills is made with private capital. The public will be providing the revenue essential for these consortiums to make profits. Cost-plus contracts with escalator clauses will give the private sector an incentive to make money by doing things the most profitable, rather than the most economical or environmentally correct, way. Rather than pay private industry billions of dollars in monopoly rents from Ontario taxpayers, waste management must be publicly managed as another utility.

Public control over disposal is the key to control of the entire waste system. The private sector, which has contributed so much to exhausting the capacity of our landfills,

will now be the prime beneficiary if the GTA accepts the quick-fix transport proposals. The best way the public can protect its interests is to ensure that the future waste management system is publicly owned and operated through the waste management master plan.

While RAGE endorses part II of Bill 143, we have some concerns about the processes involved in part III. We want to make explicit our position that the minister implement broad public consultation with adequate time for members of the public to review technical reports and reports related to possibly using Keele and Britannia for the interim period. We understand that the minister has made provisions for community groups to respond and we strongly endorse that kind of relationship between government and citizens.

RAGE has considerable confidence in the minister and her staff to conduct effective public consultation. Our groups have participated in various consultation sessions with the minister and we know from experience that she does indeed listen to citizens and, in our view, act with integrity. In the interests of the GTA citizens, we ask that the same consideration and public consultation process be followed by the minister when dealing with GTA sites.

In closing I again thank you for time and interest in RAGE. We have been pleased to come here to comment on Bill 143. For many of us in RAGE, the efforts of the past few years have been realized with the waste reduction initiatives, the decision on transport and incineration and the leadership shown by the minister on waste management and conservation. In our view, this bill reflects the position of many citizens across the province who were involved directly in the issue of waste transport and incineration and who remain convinced that reduction and conservation are the true solutions. We believe that in Bill 143 we have an equitable and responsible piece of legislation that represents the best interests of society and the environment.

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The Chair: Thank you very much for your presentation. I will now call on committee members for questioning.

Mrs Mathysen: Thank you, Ms Hustler, for coming and presenting to our committee. As a member from rural Ontario I am very glad to see someone here from rural Ontario voicing the concerns and the perspective of rural Ontarians.

I have two questions, or perhaps one observation and a question might be more accurate. Laidlaw and the Ontario Waste Management Association came to testify this morning and the suggestion from their presentation was that government does not have or should not have so much of a place in terms of waste management. I am wondering if you could comment on that based on your experience. Second, I would be interested to know what the effects of Metro waste would have been in your community had it gone there.

Ms Hustler: Perhaps for the other committee members, I live in Lambton county where we have the Laidlaw landfill site beside the village where I live, and we also have a Laidlaw environmental hazardous waste incinerator about 20 minutes from my house. So Laidlaw is my special interest. But I am also familiar, for example, with BFI in Kent county.

Philip Environmental Group of Hamilton is also part of Lambton county private disposal sites.

Laidlaw's presence in our community has been felt for about 20 years. For the most part they have existed on 100 acres, but they now propose over a 300-acre site expansion and they tell us quite candidly that they are banking on GTA waste and would like to have a certificate for the entire province.

Just this Monday we had a meeting with the directors in charge of expansion for Laidlaw and they describe waste management as recycling and disposal. The word "reduction" does not enter into their vocabulary and they told us quite frankly that if they could they would have a licence to bring waste as far as their trucks could haul it. In other words, their approach to waste management is a volume business, and in their own interests they look at waste as disposal with only a passing interest in recycling.

For example, our site, which has been in operation 20 years, has absolutely no gate restrictions on what goes into the site except for hazardous waste. They accept refrigerators, they accept iron, they accept white goods, anything that you want to take you can dispose of. They are not in our estimation on the leading edge of recycling. Their interest is still disposal.

Mrs Fawcett: I was interested in your extensive information given on incineration and all of the emissions. While I know we have to be careful and look at all aspects of something, I really do not like to see something totally banned as an option, because you really do not know what is around the corner. So I take exception when the minister just rules something out completely. All right, we do not have to go forward with something right now, but it can be put off.

I will just ask you a few questions, especially on the stack emissions. You had quite a list of different incinerators. I just wonder, are these the most modern up-to-date incinerators? What I would like to know is, what is the best technology we have now? We never really seem to get that, we always just seem to say, "Incinerators are terrible, horrible things and, you know, that all recycling and everything will stop automatically if you use incineration." Why does it have to be that way? There are certain restrictions you can put on incinerators, that they are not allowed to accept certain things, but what is left over you still have to do something with. I try to wrestle with all of these things and I really have not seen any figures yet on an up-to-date emissions report on the best possible incinerator. I wonder if you have any of that.

Ms Hustler: The examples I use here are really ones I am personally familiar with because of the proposals that came out during the Metro transport issue. The issue that brings it clear to me is the technology. I think it is more technology than we need. For example, if we think we have problems siting a landfill now, there will be no less resistance to siting an incinerator. I have seen that around the province. We had incinerator proposals at Orillia, at Cayuga and two in Lambton county. Citizens were as concerned, if not more concerned in fact, about incineration.

Mrs Fawcett: But that could be because of lack of facts and information.

Ms Hustler: Possibly.

Mrs Fawcett: It is the rumours that are perpetuated too.

Ms Hustler: To give Ogden Martin its due, it worked very hard at promoting incineration and really minimizing the concerns of local residents. But quite frankly, when pressed to describe the waste stream, Harry Olivier again said at a Lambton county council meeting that in fact 70% to 75% of the waste stream had to be plastics and paper in order to reach the required BTUs. That completely contradicts an argument from Ogden Martin that would say incineration is compatible with saving resources such as wood and oil.

Second, the grim reality for us was that at one time Lambton county actually was pro incineration, but we realized that we would need more landfill space for the bottom ash than the current capacity of landfill. We were looking at this as part of a waste management master plan, as an alternative. But the reality was that we would fill up our landfills plus. That was directly from Harry Olivier again.

We also have the hazardous waste landfill site at Trilic and the hazardous waste incinerator, and there is a great deal of public opposition to that. I am sure Laidlaw Environmental would tell us that it is state-of-the-art technology, that every emission is monitored, that every precaution taken. We also know, for example, that in Sarnia there are smaller incinerators within certain facilities. Dow, for example, has been going through an environmental assessment for a rotary kiln. But it has decided for the moment that the need may not be there and it may not be the technology it wants to be responsible for. I think there is a movement.

We also have to keep in mind that when we speak to proponents of incinerators, we are talking to marketing agents and engineers who are in the business of promoting that technology. We have, I think, to be sceptical. Citizens certainly are. There was not one incinerator proposal in Ontario that was greeted with any kind of positive reaction. We are seeing the very same kind of reaction in British Columbia right now, where Ogden Martin is promoting incineration.

Mrs Fawcett: But I have not seen any that would be completely in favour of a landfill site either. So you can say that about incinerators, and I agree with you that people are really fearful, but they also do not want a landfill because of the leachate problems. That is a whole other thing.

Mr McLean: I just want to pick up on where Mrs Fawcett left off. I also noticed that over half of your brief, and pretty nearly every page, referred to incineration. The minister has made the announcement that there will be no incineration. I am wondering if you are having some thoughts that the minister may happen to change her mind, and you want to make sure where you stand and where your group stands with regard to incineration. Is there a concern in your mind that she may allow incineration to be part of the overall waste management?

Ms Hustler: No, I do not have any concern with that. But what I am concerned about frankly is that the proponents continue to approach municipalities and that the industry is still there. I think there is a great deal of pressure

from industry on all members of the government, both federally and provincially and even locally, still to entertain ideas of incineration.

Our fear, I think, is that the proponents of incineration may simply fall back for a couple of years, regroup, and then march forward with more state-of-the-art technology. This, I think, is my opportunity as a representative of RAGE to tell you that incineration is not acceptable to rural Ontario. Just as a footnote to that, there is a bit of a perception that rural Ontario is incinerator-friendly. For example, the Ontario Federation of Labour at one point endorsed incineration. But I think the distinction has to be made that many rural citizens have a very different idea about incineration. They have the kind of burn barrel in the backyard idea.

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Mr McLean: I am from Orillia, so I am very familiar with what has happened there. I asked the minister in the House a question with regards to coal ash coming from Lakeview generating station to the Uthoff quarry and, being that Lakeview is in the GTA, I never got an answer saying, no, that would not happen. So there is room for concern within this bill.

I want to get to public versus private waste management. You are very much opposed to private companies being involved in waste management. I have always found that private companies can sometimes be involved in dealing with municipalities. In the county of Simcoe, we have Waste Management Services that runs all the sites. There are private haulers that haul to those sites. Are you telling us that you do not think there should be private haulers involved in the garbage business?

Ms Hustler: Not as they currently operate in the sites I am familiar with. The combination I think could be effective is if policies and decisions were made in a public forum and the policies were implemented, and if private industry in some way wanted to be part of that and fulfilled that public mandate, then I would welcome it. But my experience has been that in fact they thwart the process of public waste management. I could cite you several examples.

Not only that, but the interests of the immediate community are very often neglected or ignored by private waste sites. I would go back again to the BFI site in Kent county, for example. That particular site covers a five-county area. They want to expand their certificate for the whole province. They want to add 175 acres of Kent county agricultural land, which is probably among the best in southern Ontario. There is a lot of public opposition and they are oblivious to it. The same in Watford, where Laidlaw is. My concern has been that private industries are driven by the profit motive. They make their money from disposal.

Mr McLean: I would like to ask you a couple more questions. Do you agree that the Keele Valley, the Britannia site, should be allowed to expand and proceed without an environmental hearing? Laidlaw, which owns a site in the east end of Metropolitan Toronto, has to go through a full environmental assessment, which it is happy to do. But do you agree that this bill should allow the minister to approve a site without an environmental assessment hearing?

Ms Hustler: I think it is a very difficult position because of the time frame. In our situation as RAGE members, we have to recognize that in this situation the time frame and the crisis situation within the GTA may not make it possible. But there should be every consideration given to the consultation that in fact was given to our groups when we consulted with the minister last fall. We went through a series of very effective consultation processes. If that process is carried out, given the time frame, I think we would find that reasonable.

Mr McLean: The other short question I have concerns the fact that I disagree with you on private versus public, because I do believe that private certainly does have a place within it. I understand that in Mississauga, Laidlaw picks up its garbage. They have a contract with them. The city of Barrie has a contract with McLellan Disposal Services. I feel bad that you are opposed to private companies being involved within this overall scheme of our private operations in Ontario.

Ms Haack: Ms Hustler, this is really a refreshing view and I appreciate your document. I represent the riding of St Catharines-Brock, which is next door to the riding of Lincoln, which is the destined site for the Ontario Waste Management Corp. Many of the things you are saying here have been corroborated by the citizens living in parts of Lincoln county for some time, 10 years as a matter of fact.

But you raise actually a very interesting point, which I think many people really have not examined and which is basically the pressures on the infrastructure of the transportation of these wastes, be they from the GTA or from some other larger urban area, on to the rural community. Has anyone in your group really looked at the possible costs to roads and what have you of this continual transportation along your streets?

Ms Hustler: One example would be when there was talk of bringing Metro Toronto garbage into Lambton county. Laidlaw was proposing two new cloverleafs on Highway 402 just to have exit ramps. Even now, Laidlaw is still talking about putting in its own ramps. The MTO of course was astonished, so they did not think that was a particularly good idea.

What we also do not have of course is any leachate treatment facilities. In fact, there is no facility to treat any kind of landfill leachate probably within an hour and a half's drive. As well, we do not have the kind of roads or services that could even begin to look after a facility of that sort. Frankly, there is no interest in even developing an infrastructure for garbage.

Ms Haack: No. Let me tell you, it is quite expensive. The Glenridge landfill site, which is part of my riding and is probably notorious among most of the people working for the Ministry of the Environment, has cost the taxpayers of the city of St Catharines in excess of \$2.5 million in very recent years to deal with green goo that ends up in their basements and in their sewers; in fact, it has lifted manhole covers three feet into the air. I would suggest to you it is a very expensive undertaking. I really appreciate your comments.

Mr McClelland: A quick question and then I will get into a more lengthy question. Did you have any pre-Bill 143 consultation, specifically with respect to this legislation, with the ministry or minister?

Ms Hustler: We are part of the Ontario Environment Network and we have a waste caucus made up of citizens' groups. In fact, we had a consultation Saturday with Drew Blackwell from the waste reduction office. We have also been passing questions of clarification between the OEN and the minister's office.

Mr McClelland: Quite frankly, it is no surprise then for me to hear you say, as a special interest group, and legitimately so, that you endorse this bill. But let me tell you that the other people involved who, if you will, take the other side of the coin, were not consulted, had no input prior to this bill being brought forward.

I will tell you very frankly as well, not to be critical, but I have a concern about any individual, any interest group, any government, any minister, who says: "I know best. I'm not prepared to look at all things objectively. I'm not prepared to endorse the environmental assessment process and put on the table for consideration all options to look at the best environmental solution or multiplicity of solutions to apply to solving a problem."

I have a fundamental concern with that in terms of fairness in the sense that none of us, in my view, knows best. We can all learn one from another and collectively sometimes there is found some wisdom. I say that as a recognition of my bias. I do not believe anybody has the right to come and say, "I know the solution and it may be tough but I'm going to do it." I do not care who he or she is, what minister it happens to be, what government it happens to be or what interest group. The responsibility of government is to have a process in place and to maintain integrity in that process, to be objective and to look at it.

Having said that, you said, "Given the circumstances, I understand the minister is in a tough situation." I wonder what your reaction will be a year or two from now in your community when the minister comes in and perhaps says: "We did it in the GTA with Bill 143. I'm sorry. We're bouncing from crisis to crisis and all bets are off in terms of EA. I know I told you I believed in the process a year ago and I know I told you two years ago I believed in the process, but 80 sites are closing around the province in 1992."

I don't know the numbers for 1993, 1994 or 1995, but as much as I can, and nothing is certain in life, I tell you almost with certainty that there will be the same principles applied across this province and in your backyard. There will be communities where the minister will come in and say: "I'm sorry. We are in a crisis in your community and this is the way it's going to be, because I know best." Let me tell you, fundamentally I am opposed to that. I believe in the process and I believe in integrity in terms of what people say, that they ought to stick to it. I would be interested in knowing how you feel about the integrity of the environmental assessment process.

I will just add parenthetically that the private sector not only has said it is willing to, but it has complied with the strictest adherence to the environmental assessment process

and in some cases has been put through a much tougher grind than the government is even prepared to do.

Yesterday Mrs Cooper, as president of the Association of Municipalities of Ontario, said there are now two sets of rules. I think there are four sets of rules. There is one for the private sector, one for GTA municipalities, one for non-GTA municipalities and one for the government or for people who happen to agree with the government. I do not believe in four sets of rules. There is one set of rules and everybody applies them and you do not change the rules in midstream. What is going to happen when that happens in areas that RAGE is impacted with?

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Ms Hustler: I would begin by going back a little stretch, because when we were dealing with the former government, that is exactly the system we were given. We were given the Solid Waste Interim Steering Committee, SWISC. In that case, we simply were anted up across the province and Metro came out and marched through its consultants and technicians with absolutely no interest in any process. There were exemptions and those exemptions became the very basis of our opposition because we were denied the full process. So we understand how that can work and we did not like it.

The difference for us, and I tried to explain that here, is that people within the GTA exist within an economic, political and geographical process.

Mr McClelland: Which is not insulated from the impact across the province.

Ms Hustler: Indeed it is, because people have a right to vote in this area. They have a whole municipal system in which they work. We are not part of that. There are two versions of this. There is the GTA, because it affects a very specific community of communities. When we would come to Toronto, there was no audience because we did not vote. We were nonentities and so be it. But when Metro would come into our communities, we were even denied the right of going through any kind of environmental process.

I also understand that the minister makes orders when there are emergencies, for example, Storrington waste is now being shipped to Ottawa-Carleton, another Laidlaw site. As well, Lobo's waste is now being brought to Watford because of mismanagement at another site. So I know that garbage is shifted around in a crisis situation.

But I also believe that in the GTA situation there has to come a time when the people within the GTA face the consequences within their own region, and transport is not the solution. Nor is it fair for communities in the north or the south to pick up the slack. I personally think that as soon as that recognition takes hold, the answer is not to evade the system or break the system, as you suggest, but fix it at the beginning. Do not make so much garbage. If it is a problem within the GTA, then do not make it.

It is the same problem we are facing in Sarnia. The Sarnia site for Lambton had to go through an emergency certificate and the crunch came down for reduction. We do not need the expansion now.

The Chair: Mr Wiseman, you have the floor.

Mr Wiseman: It is nice to see you again. I would just like to give you a little background of my own experience with landfill sites. I grew up in Scarborough just down the road from a landfill site that was quite old and slipped on to a roadway last year. I currently live in Ajax in the south where we have just found out that roughly 300 or 400 metres from my house the landfill site is leaching into the Duffin Creek.

I am also about half a mile to a mile away from a sewage facility that takes leachate from the Keele Valley site and I am down wind from the Brock West landfill site. So when you start talking about transportation of waste and so on, you really are talking about the fact that it will transport itself in many different ways, whether we like it or not, and the consequences of that will be huge costs.

The municipality of Ajax now is looking at having to clean up this old landfill site and it is really having trouble coming to grips with how much it is going to cost. When the sewage treatment plant overflows, if the storm water system does not work, it winds up on our beaches and we cannot use our beaches. So we cannot hide from costs. They are going to be there and that is why the transportation of waste is such an important issue. So I am very pleased to read your presentation on the transportation of waste.

A number of people have suggested, though, that ruling out incineration and the transportation of garbage somehow compromises the environmental assessment process. I would like to have your perspective on that and how you feel about that.

Ms Hustler: My own view is that incineration and transport simply muddy the process. They are not really alternatives. They are not solutions. They are one method of really prolonging the dilemma. To consider them as alternatives is to in some ways endorse them as reasonable and positive when in fact they are not. For us, transport poses enormous problems. Anyone familiar with incineration knows that it is completely undesirable, so I am not sure for whom these would be reasonable alternatives. Certainly not for anyone who knows anything about them and has firsthand experience with them.

In fact, it simplifies the assessment process because the process is then assessing legitimate methods of waste management and it would be, to me, much more effective.

Mr McLean: I want to get to composting. It has taken place across this province, as was intended. We are looking at 30%. In the wintertime I observe that some of the composters I know of, when they get the snow, are never opened. I am wondering what your thoughts are on the future of composting, whether it is going to have a percentage increase or not.

Ms Hustler: I am certain that it will. It has been slow to develop. The composting has not been as speedy as the recycling and the blue box, but I think it will certainly catch on. I think most environmental groups would like to see a much broader, comprehensive composting system take place so that there is compost pickup or centralized composting. But I think it is very popular. You would know as well, from a rural community, that composting is

not a new idea. It is not particularly popular in all centres, but I think it is very practical.

The Chair: Thank you very much for appearing before the committee today. Over the course of our hearings, if there is any additional information you think might be helpful, please feel free to communicate with us in writing. We appreciate your coming today.

CORPORATION OF THE CITY OF MISSISSAUGA

The Chair: Next presenter, from the city of Mississauga, Mayor McCallion. Welcome to the standing committee on social development.

Mrs McCallion: Thank you very much. I have with me Kent Gillespie. Maybe you would like to join me.

The Chair: Your worship, just for the record, although you need no introduction, introduce yourself and who you brought along with you.

Mrs McCallion: I would love to introduce myself. The mayor of Mississauga, the eighth largest city in Canada.

The Chair: You have one hour for your presentation. We would ask that you leave as much time as possible for questions from members, but it is your time and, if you wish, you can request a couple of minutes at the end in order to sum up. Would you also introduce the gentleman you brought with you.

Mrs McCallion: Yes. Mr Kent Gillespie is the regional solicitor, the region of Peel. Madam Chairman and members of the committee, first of all, I want to express our deep appreciation to the Conservative opposition and the Liberal opposition in the House that allowed this most dictatorial bill not to proceed, but to come to a standing committee for some input. I can assure you that the bill was a shock to us. I have a lengthy report here, but in short it takes all the authority away and hands you the bill.

The shortest way I can express it is to say people's rights are completely ignored and recognition for the official plan of a municipality, zoning bylaws, legal, binding documents are put in the trash can. It also takes over the complete responsibility. In other words, Bill 143 concentrates authority for virtually every aspect of local and regional waste management decision-making in three provincial entities: the Minister of the Environment; an unelected director of the Ministry of the Environment, and a new crown agency, the Interim Waste Authority.

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By the way, municipalities have been trying to get away for years with special purpose bodies accountable to nobody, either financially or in performance. Municipalities will henceforth be saddled with the worst of all possible worlds: Responsibility for the financial but no authority for the wellbeing of their constituents with respect to waste management decisions. As I say, they will pick up the tab for it.

Today, I do not want to talk about Metropolitan Toronto's crisis, I do not want to talk about the GTA's crisis, because there was no crisis in the region of Peel until the provincial government interfered. We are not interested in carting our garbage to any other municipality. We want to look after our own garbage in our own region of Peel, and

we were well on our way to doing it, but the provincial government interfered each time and created the crisis. I cannot speak for Metro and I cannot speak for the GTA; I only know the situation in the region of Peel.

However, the members of the standing committee should be under no illusion about the broader, province-wide implications of Bill 143, which we are very concerned about. If the government can do this with regard to waste management, it can do it on all services. In my opinion, this is the thin edge of the wedge of this provincial government. In other words, it creates a crisis, and to get out of the crisis, it uses dictatorial powers to do it.

Coupled with the systematic undermining of municipal authority is the diminution of the role of the public to participate. Before the election, the Premier of this province said, "There will be no expansion of any site and there will be no new site developed without a full environmental assessment hearing." With regard to the Britannia landfill site expansion, there will be no hearing at all.

Even though the present minister says she does not believe in the Environmental Protection Act, that is why she stopped our interim site 6B. We did not ask for the Environmental Protection Act for 6B; the province dictated to us that it would allow us to proceed under the Environmental Protection Act. What is so interesting is that the Britannia landfill, which the minister says is not a safe site, was approved under the Environmental Protection Act. We will expand an unsafe site, in her opinion.

Both of these developments have the effect of centralizing and insulating waste management decision-making at the provincial level at a time when it should be subject to greater, not lesser, municipal and public scrutiny and involvement, as well as the involvement of private enterprise. I want to deal with that later. I strongly believe private enterprise should be involved in waste management. Government should set the controls and monitor and let private enterprise do the job, because no level of government can do anything as efficiently and economically as the private sector. We must control. That is our role as government.

Let me summarize Bill 143. As the committee is well aware, Bill 143 is divided into four parts: the Interim Waste Authority; waste disposal sites; implementation of the minister's report under section 29 of the Environmental Protection Act, mainly directed to interim waste disposal sites, and amendments to the Environmental Protection Act. Each part of the bill raises serious questions about the impact on municipal decision-making which the standing committee must consider. When I hear the Minister of Municipal Affairs say, "We've got to get on with disentanglement," this is a prime example not even of entanglement but of taking over complete authority for waste management.

The Interim Waste Authority has been incorporated under the Business Corporations Act. The very word "interim" raises questions about its future role and status. What is its eventual role? Will it be involved with the operation of waste disposal sites? Will it be disbanded after its work has been completed and the operation of the sites has been handed over to municipal governments? We do not know. We are in the dark.

The city of Mississauga submits that because the IWA is vested with broad statutory powers in connection with the establishment of waste disposal sites, its role and mandate should be more clearly defined, including the ultimate role of municipal governments with respect to operation of the sites. When they came before us at the region of Peel, I said, "I'd like to see your budget." They said, "We're not sure we can show it to you." But we are going to get the bill when they are finished their job.

In the city of Mississauga, just to tell you, they had certain public meetings and they had one in French only. Five people showed up and they all spoke English. I just want you to know we paid for that public meeting.

The city further submits there should be more express provisions dealing with the control and direction of the IWA by the Minister of the Environment.

Waste disposal sites—you folks have this in writing, so I am going to skip, because I want to comment on the minister's presentation to your committee. I would like to correct some of the inconsistencies, the incorrect statements and the misleading statements that are in her submission to your committee.

This director has ultimate authority to do anything. Boy, I would like to have his job. None the less, this is a very broad discretion to leave to a director or a minister if there is not an adequate check on the exercise of this authority. There is no appeal. This province is noted for appeals. In fact, it costs us a lot of money because of all the appeals. We cannot approve a development in Mississauga without an appeal to the Ontario Municipal Board. But this one, oh no, no appeal. Just let her roll.

The environmental assessment document is not required to look at any alternatives to the waste disposal site other than the amount of waste reduced, reused or recycled, and the use of other sites in the primary service area. The environmental assessment is also not required to evaluate the alternatives of incineration, transport of waste out of the primary service area or multiple landfill sites.

I happen to have Canada's largest airport in our city, and the federal Department of Agriculture dictates that the international garbage must be incinerated. Now the minister has banned incineration. I am not sure she was aware that international garbage should be incinerated. Second, if she bans the export of it, I only hope the good Lord comes down and picks it up, because I do not know what we will do with it.

The minister is granted authority to establish policies for the purpose of establishing long-term sites. The tribunal, either the Environmental Assessment Board or the joint board, hearing an IWA application must have regard to the estimates, decide in a manner consistent with the limitations on alternatives and take into consideration any ministerial policies.

The city of Mississauga submits there should be provision for consultation with municipalities and the public on the policies to be established by the minister, as these policies may be a vehicle for the minister to control and direct the process without any accountability to the residents in the areas involved.

For years I have heard the New Democratic Party in opposition say, "Public input; public consultation," but when they get into power they forget about all those things. I do not know how they sleep at night.

Mr Mills: Good.

Mrs McCallion: I am sure.

Under part III, the regional municipalities of Durham, Peel and Metropolitan Toronto are compelled to comply with ministerial orders issued under section 29 of the Environmental Protection Act, to extend or enlarge particular landfill sites or systems such as Britannia. Every conceivable legal impediment to doing so is removed.

For example, the requirement to obtain consent under various regional statutes is deemed to have been granted. Acts done in order to comply with a section 29 order that would otherwise be contraventions of binding municipal agreements, statutes or regulations are deemed not to be contraventions—out the window. Requirements to otherwise comply with the Environmental Assessment Act do not apply. Ontario Municipal Board approval does not apply either—do not tell them they have been relegated to nothing in this. A public hearing may not necessarily be held under section 30 of the Environmental Protection Act. Submissions may be received by the director, but he is not required to hold a hearing or give any further notice in respect of any decision. Gosh, Russia will look better than we will.

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The cumulative impact of these and other related provisions under the part suggest the degree to which municipalities and the public are swept aside. Absolutely the public and citizens are swept aside in this bill. The standing committee should seek to improve and make more certain the municipal and public role under part III of this bill. We are counting on you, and I sure hope the government listens to you.

In this regard the minister stated earlier this week to the committee that all information now available indicates a need for extended capacity at the Britannia landfill site this year, and therefore she created the crisis by stopping us with 6B. That is the only reason Britannia is expanding. We had it well in hand. We were stopped.

It is interesting how I believe this present government when it was in opposition had great concern about developers. This act, where it deals with compensation, is what you could call the developers' guaranteed profit act. Citizens who live in the area are not recognized and compensated. No, the developers are, and you know what? They have already been in the regional offices wanting to know the injurious affection they are going to have. It is strictly limited to loss of market value, personal and business damages. A citizen cannot claim that. It is pretty hard, is it not? So this is called the developers' guaranteed profit act. I never thought the day would come that we would have to guarantee the profit of developers or that government would legislate it.

By the way, we notice that the minister has wakened up to the fact that it is a developers' guaranteed profit act and I believe in her presentation has decided maybe that should be dropped from the act. I hope this committee insists that

it be dropped from the act and I hope she does not change her mind before you get back to the Legislature.

Amendments to the Environmental Protection Act: Section 23 allows the minister, and by delegation the director, to establish and operate sites. The section raises the issue of whether the IWA or the MOE will be operating the sites in Peel. We do not know. We are in the dark. We do not know if they are going to establish the site and then hand it over to us. We do not have any idea.

Section 26 replaces the existing section 29, which is the current basis under the Environmental Protection Act for ordering an extension. Bill 143 grants this authority to the director, though it is understood from the minister's recent appearance before the committee that the section may instead give this power to the minister. What is the difference really? At least the minister is elected. That is about the only difference. The director is unelected and unaccountable.

I am not going to go on to pages 9 and 10. You folks can read that.

The minister also acknowledged to the committee earlier this week that because of the concerns of municipalities about the long-term implications of the subsection 29(2) authority to require a municipality by order to accept waste from outside its boundaries, the minister was proposing a five-year maximum limit on such provincial orders. The city submits that the standing committee should inquire why the MOE is taking this position and what is the basis for the five-year limit. We do not know. There has been no explanation for that, unless she gave it to the committee.

It is hard to imagine what is left out—and I emphasize "what is left out"—of the waste management powers granted under Bill 143. Nothing is left out, I can assure you. It just takes over all the authority, unlimited authority, with no public concern or public interest at all, or any appeal. So we question very seriously the delegation to the director, and even that now residing, according to the minister, that she might pull back into her bailiwick.

Let me go now to her report that she gave to you: "Waste management planning was in disarray. The time and resources required to find landfill sites were excessive." It is interesting. When we were looking for landfill sites, we did not have the right to enter private property and test it. In one site in Peel we had to do the testing around the perimeter of the site. But when the province has to do it, it gives itself the right to enter, complete authority to enter, but it would not grant us that authority.

She says, "We were running out of landfill capacity, particularly in the GTA, leading to the need for emergency planning." We were not running out of landfill capacity in Peel. I do not want to speak about Metro. In Peel we were handling our own until the province interfered.

"Put the environment first." Mississauga has put the environment first. We are a leading municipality in this country on recycling and reuse. In fact, to prove it, I think you put your money where your mouth is if you really believe something. We pay \$172 a tonne for every item that is recycled. We could dump it at the Britannia landfill for \$48 a tonne. I think that is proof positive of our concern

for the environment. We do not have to be told by a minister to have concern for the environment.

"Within the GTA area, the problems have been especially acute." Not in the GTA area. Exclude Peel, please. They were not acute. We were dealing with it. We know what we were doing.

It goes on. She even has the gall, and I mean it, to say, "Landfill capacity...has become very limited, especially in Peel"—that is what is in here—"where the Britannia Road landfill site is due to close by the middle of this year." Not so. Incorrect. False statement.

She cannot separate Metro and Peel. We are not a part of Metro, never have been and never will be, I hope. But she has blinders on. She can only see Metro's problem, and yes, Metro has one. I cannot blame the municipalities for objecting to Metro's garbage going to them, not at all. Metro has done no planning for its garbage, absolutely none, and it is coming home to haunt it. Peel was doing its planning until the province interfered.

"With respect to...long-term sites, GTA-specific sections of the legislation confirm the Interim Waste Authority as a crown agency and give it additional powers required to establish three"—as I say, she is giving, the province is giving, this Interim Waste Authority unlimited powers to find a site but would not give us those powers, would not give them to any municipality.

She speaks very much against incineration. I have written the minister, "Please tell me what to do with the international garbage from the Mississauga international airport, because I would like to know what we are going to do with it if you bring in all the bans."

I have to tell you it is fine to ban a product, which we have done, by the way, on our own at the landfill, but do you know where it ends up? On our streets. I can take you on a tour of Mississauga and show you where it is. So we have to be careful with bans. It is costing us an arm and a leg to clean up the garbage that is distributed because of the bans, but we are prepared to take that responsibility and we are prepared to try to monitor. We have taken people to court. We have fined them etc.

"There are still people who clamour for the option of transporting GTA waste to a mine site near Kirkland Lake." We have never supported that. We are not involved in it. Please do not tie Peel into that. We do not want to take our garbage to Kirkland Lake, even though I have a letter from the mayor of Kirkland Lake saying he wants it. The other night at a public meeting she said nobody wanted it. They do want it. I have a letter from the mayor of Kirkland Lake saying they want it. It is not correct that nobody wants it. Some people do want it. I will tell you that we do not want it; we only want to look after our own garbage.

"Incinerators are ruled out because of the environmental hazards they present." There is concern about the hazards. But she also talks about the residual ashes. If she would look at the incineration of garbage in a cement kiln, there is no residue. All St Lawrence Cement is asking is whether it could go through an environmental hearing to prove whether its process is safe or not. But she is all-powerful right now and we do not know what she will do.

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"All the information now available, however, still indicates a need for extended capacity at the Britannia landfill site in Peel region starting this year." Yes, because of the crisis she created; yes, no doubt about it. We have to have somewhere to put our garbage. We have to expand the site.

By the way, even citizens are reasonable today, especially in Mississauga. The citizens the other night gave her a six-point action plan, saying: "Yes, I guess Britannia's going to expand. We would ask you, Madam Minister, to give us some assurances"—if they are worth anything—"such as a 60-day deadline etc." I would like to file that on behalf of the citizens of my municipality. At this point they know there is no other choice except for us to pay an enormous sum to cart our garbage somewhere, and they too do not believe we should dump our garbage on somebody else. I hope this committee will incorporate this in its presentation to the government. We do not expect to hear from her, but I hope you folks will try to get some action from her on that.

"Unfortunately, the fact that Britannia Road landfill site reaches capacity next June makes a hearing on the extension there impossible." She stopped us in November 1990 and we knew when she stopped us that the next thing was the expansion of Britannia. We are not asleep out there. She took until February to make an announcement, all kinds of time for some public consultation.

She has placed us, the mayor and members of council in the region of Peel, in a position of breaking faith with the people. We say to people: "Before you buy a house somewhere, would you please check with the municipality. You're making your lifetime most major investment. Would you please check with the municipality. Don't even listen to real estate agents. Please check with the municipality." They come and check with the municipality and they see all the legal binding agreements on file, so they buy their home. Then she turns around and asks us to break faith with the people and go right ahead based on her order, which was illegal because she has not enforced the order, and you know why? She needs Bill 143 to enforce it. In fact, I even suggested I go to jail, and I know she cannot send me to jail until she gets Bill 143 through. By the way, I am not going to jail, I can tell you. I just say to you that she has been operating by news releases. Even when the mayors of the three municipalities and the chairman of the region met at Queen's Park with the Honourable David Cooke and the minister and we discussed with her this order she had issued, she denied an order was issued and her staff had to correct her and say, "Yes, Madam Minister, an order has been issued."

I summed it up the other night and I will sum it up now because I want to go to questions. She does not know what she is doing, but she is doing it extremely well.

The Chair: Thank you very much, your worship. I have a number of members of the committee who would like to ask you questions. We will begin with Mr McClelland.

Mr McClelland: Thank you, your worship, for being here. You said the minister was all-powerful. Apparently she is all-knowing as well, inasmuch as she has come into

Peel and said, "This is the way it's going to be and I know best. My own mind determines what is best for you, and you may not like it and I may not like it, but it's tough medicine and you'd better hold your nose and swallow it."

You recounted how the EPA was not good enough. I was saying that I think that even perhaps on this committee a lot of people do not understand the distinction between the EPA and the EAA. I am convinced of that in my mind, based on some of the questions I have heard. But that was not good enough, so we put aside any process and any public participation.

The minister, who is not only all-powerful but apparently now all-knowing, came in and said, "Here is the solution." Last Wednesday when I received a copy of it, some reasonable requests were put to her at a public meeting. There were no commitments. There was no response of any kind, quite frankly. The suggestion was made by you on behalf of the people of Peel that this at least be limited to one lift. There were no undertakings given and the minister sat in silence.

That probably means nothing or is of little consequence in any event, because as you pointed out, promises made in the past were of no consequence. Whether you had received your promises or some kind of undertaking last Wednesday, I am not sure it would have made any difference. Promises are apparently meaningless and, as you point out so well, so are legal, binding documents, agreements and contracts that are brought out in good faith.

Last night you and I heard the Premier say: "I know you're tired of politicians who break their word and do not tell you all the truth. I know you've lost faith and confidence in politicians. But I want to remember the people of Ontario and I haven't forgotten." How do you, as mayor of Mississauga, as a member of the council of the region of Peel, and perhaps more important, on behalf of the citizens of Peel, see that kind of rhetoric in light of what has taken place with this bill?

Mrs McCallion: The citizens are fed up with politicians and I cannot blame them. As I said to the minister the other night, "It's bad enough not to believe their word, but when you can't believe their signature it's pretty sad." I did hear the Premier last night and I relate it back to Britannia. I can assure you it is a sad state of affairs. I am sure my people listened to the Premier last night, as I think they were looking forward to some encouraging statements. But to talk about public participation, to talk about open government and to talk about all those motherhood statements or policies—I think you have to implement a few.

Here is an opportunity for the Premier of this province. I warned him on February 7, 1990, in the presence of the city manager of Mississauga, a representative from Mrs Grier's department and a representative from David Cooke's department. I said, "Mr Premier, your Minister of the Environment is going to embarrass your government, because she is trying to deal with the waste disposal issue and she really doesn't know what she's doing." That is on the record with three witnesses present. I think I have been upfront and straightforward and the prediction I made is unfolding beautifully.

As a result of creating a crisis situation, you have to use emergency powers. I will tell you that the people feel

the government has broken faith with them. They cannot even accept legal, binding agreements. They cannot accept an Ontario Municipal Board approval that laid it down for 12 years. The zoning bylaw laid it down for 12 years; the environmental board that heard it said 12 years. How many more people do you want to say it? There is all the documented evidence, and then the minister comes along and says, "Forget all those things." What confidence can the public have in government?

Even though the provincial government does this, it reflects on all of us. It reflects on local government. It is time politicians stuck to their word, but certainly stuck to their signatures. We are being condemned. The federal government is not acknowledging our official plan in regard to the expansion of the airport. The federal government never entered into an agreement that it would never expand Pearson, so there is no agreement that we are breaking or it is breaking. Let's give them credit. They never agreed to it.

Mr McClelland: I wonder if I could revisit for a moment the creation of this so-called crisis that you say was not in existence in October 1990 when the now minister was sworn in as minister. Questions were put to her at that time by my predecessor, Mrs Sullivan, as Environment critic. The minister was asked what was going to happen in terms of capacity, including among other sites Britannia. The minister responded at that time that there was no garbage gap, that there was no problem, not to worry; she had a plan in place.

Mayor, you will know—you and I have had some discussions—that site 6B, as proposed by Peel, was in my riding. There was no shortage of political heat with respect to that and I am not necessarily convinced that site 6B would have withstood the scrutiny of an EPA hearing. None the less, there would have been at least an EPA hearing. Again I say I am not sure that everybody, with respect, even in the context of this committee understands the distinction between those two acts.

Having said that, I would like you to revisit the so-called creation of this crisis: where you were, what the time frames were, the requests that were made of the minister and the Ministry of the Environment for a response to your requests for information and the time gaps, the times you were left on hold waiting and waiting and only at the 11th hour, if you will, having Bill 143 brought home to rest.

1530

Mrs McCallion: As I say, we were well on our way, as directed by the former Premier of the province, because of this situation that the government had gotten itself into in regard to the crisis in Peel—I have to be fair; I want to be fair—stopping 6A. They told us then, "Choose an interim site and we'll allow it to proceed under the Environmental Protection Act." It was not we who asked for it. So away we went. We decided that we could complete the contours at Britannia landfill. If it had closed right on the date that was specified, it would have meant the contours were not completed and therefore there could be a problem with it becoming a golf course, which it has been promised to be all along.

We were doing a management program. We were banning products from the landfill site. We were really, as I know our member of Parliament knows, doing everything possible. In our garbage contract in the city of Mississauga we got 11 items in the blue box, making every effort. Peel region was going out to industry. I am telling you, we were converting cartons as fast as we could to composting and recycling. We were managing. We were saying we have only got a time gap between 6B being approved—if it was, and I agree with you; you do not know if any site is going to go through the environmental assessment. You are gambling at any time.

But if it went through within the time period the Environmental Protection Act would allow it, at the very most we might be forced to cart our garbage somewhere for two months. We were willing. Whatever tonnage we carried to that site, we would take back from that municipality the equal tonnage, because we believe so strongly that we should not be dumping our garbage on somebody else. We were willing to do that. We had hoped that maybe Halton, after it got its approval after all these years, might—we talked to Peter Pomeroy about that. The problem is now that even though they got a site, they are having all kinds of problems in getting it developed because of the Ministry of the Environment.

We were managing. We knew we were in a crisis, but when you are into a situation like that you really make efforts and we were making efforts. Peel was managing this site in a very capable way because the staff there knew exactly what we were up against. We were meeting regularly. Reports were coming forward as to the tonnage and the diversion. We had some recycling companies set up in the city that were taking the garbage and recycling it and only taking the residue to the Britannia landfill. This bill takes all the authority away from us and we are just going to have nothing to do but—oh yes, we are going to have something to do. We are going to pay the bill. We are going to pick up the tab; no question about that.

That is what is so sad about it. Other municipalities, if they did not manage it right, that is fine, that is their tough luck. If the minister has to take action against them, I guess she has to, but she had no need to take it against us, absolutely none. She should have kept out of it completely and let us go and said to me, "I don't believe in the Environmental Protection Act," and I say Britannia was approved under it. Are you telling me that is not a safe site? I think it is a safe site.

We went through a hearing. We managed it. We were well on our way to—not well on our way; we knew we were managing it and we knew what the consequences were if we ran out of a bit of time. We had all the alternatives ready, that if we had to cart our garbage to Keele Valley, we would take back the exact tonnage we took there into our own landfill site. I think that is pretty responsible, in my opinion.

Mrs Mathysen: Thank you for coming to present to us today, Mayor McCallion. I was quite interested in your brief and I wondered if you would answer a question for me. While you were presenting, you said that while you were looking for a Peel site you could not sample onsite,

you had to have people or inspectors go in and sample all around. I am just wondering: Do you feel that affected your ability to find the best possible site? Did it hamper you in finding the kind of site you needed in order to take care of your waste?

Mrs McCallion: Of course, until you can actually test the actual site there is some risk in taking tests around the perimeter of the site, if you want to do a thorough job, the ideal. Second, it delayed us considerably because, needless to say, we went out of our way to try to get approval.

It was a developer, Ronto Development Corp, that owned the site. I do not know if you see a connection between that and something that happened with this former government, but there is a connection: Ronto Development. They would not allow us on this property, so we had to take sites—yes, it delayed it and in my opinion it is not as thorough as it should be. You should be able to go on this site and take as many samples as you possibly can to make sure that the site is environmentally acceptable before you go through a hearing. You try to get to a hearing so that you have a pretty good idea that your site is going to go through the hearing. Otherwise, you are wasting. By the way, we spent \$8.5 million of Peel taxpayers' money on the two sites, 6A and 6B, and we have nothing.

Mrs Mathysen: I am not sure I understand what you mean by the connection to Ronto Development.

Mrs McCallion: I believe Patti Starr was involved with Ronto.

Mrs Marland: I was going to refer to the fact that it is really kind of difficult to sit here listening to the Liberal members talk in such self-righteous terms on this subject of the crisis in Peel. It is true that we were on our way to a hearing on site 6A under the Environmental Assessment Act, the full act, the full investigation, when suddenly at the witching hour we received notice of an order in Peel from Jim Bradley, then Minister of the Environment, that they could not proceed to that hearing. We did think it was kind of a coincidence that the property was partially owned by Patti Starr's husband, in partnership with Ronto Development. So certainly not all the blame lies at the feet of the current government. The history of putting Peel into the situation it is in now goes back to the Liberal government, without question. When we look at the fact that the hearing on site 6A was a full Environmental Assessment Act hearing, that it was not an Environmental Protection Act, I think that is very significant.

Madam Mayor, you referred to the meaning of somebody's signature. I was wondering if you would like to comment on the fact that you have also seen, as most of the committee members should have by now, the secret cabinet document that refers to two lifts at Britannia. The signature on that document is that of Ruth Grier, the Minister of the Environment.

Mrs McCallion: Yes, we have it here in a binder that Mr Gillespie made up. It gives the chronology of the thing and we have the document here. It says two lifts at Britannia and is signed by the minister. The citizens do not believe anything these days. She backed off from the two lifts to one lift to try to soft-pedal the blow.

I told her the other night, when you were present, Mrs Marland, that she has not got a hope in you know where of having the long-term site ready by the dates she gives unless she uses her emergency powers again. She talks about appeals, she talks about legal action and she says, "We hope to have it ready by 1996, maybe 1997, but in the event of appeals and legal action and injunctions we don't"—what she is saying is, "We don't know when we're going to have it ready." So what are we going to do with our garbage?

First of all, she is now putting this through at our cost, another \$1 million we are going to spend to look at Britannia to find out if it is safe for another lift. I hope you know that. We have to go through that rigmarole to find out if it is safe for another lift. I asked her the other night: "What do we do if it isn't safe? Where is our garbage going to go?" We do not have the slightest idea. I assume she will order it, and now there are emergency powers to take it to Vaughan, to Keele Valley or somewhere. They do not have any idea.

Second, what happens if the long-term site is not ready? Britannia now has had one lift completed, so many tonnes. We are in purgatory as far as the landfill situation is concerned. So we have the document and the people say: "Look, if you said two lifts and you are now saying one, what can we believe? You signed the one that said two lifts, and now you have signed the one that says one lift." No wonder the people are fed up with politicians. They cannot believe it.

1540

Mrs Marland: Madam Mayor, you referred to the fact that the Interim Waste Authority would not discuss its budget with you at its presentation to regional council. In my recollection, the budget is \$17 million.

Mrs McCallion: That is right.

Mrs Marland: I wonder if you could tell us what they did say when you asked what they were going to spend \$17 million on, after you found out that whatever they spend, Peel is going to be paying anyway for that portion that is spent in Peel. How did you feel when they would not discuss their budget?

Mrs McCallion: I hate picking up the tab for something when I do not know how it was spent or how it will be spent. It is not the way we operate in Mississauga. Maybe that is why we are debt-free. We know where we are going financially. I just find it hard to believe. If somebody else wants to pick up the tab, then it is their responsibility, but it is quite clear that we are going to pick up the tab. And do not think it is only going to be \$17 million. It will be like Dr Chant, where it is now \$100 million and they still have not got a site ready for hazardous waste. It just shows you that when government does anything, if you want a waste of money, that is one way to go.

So we have no idea, we do not know, but we are going to have the privilege of picking up the tab. We said to them, "Why are you holding an information session in French in Mississauga?" It is hard enough to tell people about waste disposal in English. But, no, they had to hold one. So they held it and five people—well, you were there, I think.

Mrs Marland: I was there.

Mrs McCallion: Five people showed up, at our cost. We do not hold things in French in Mississauga. If anybody wants something in French, we will be happy to provide it to them, but we do not go out of our way to waste taxpayers' money. The citizens have asked the minister to enter into an agreement, as you know. There are six options. They hope she will stick to them.

Mrs Marland: Madam Mayor, is it true you asked to meet with the Premier on this crisis and have yet to have the privilege of having that meeting?

Mrs McCallion: Yes. He has refused meet with us. No question about it.

Mrs Marland: Have you ever had a Premier in the past who refused to meet with you at your request?

Mrs McCallion: No, not even the Prime Minister of Canada. I have never had a refusal from an elected person to meet with me in the 23 years I have been in politics. They may not agree with me—that is nothing—but they have never refused to meet with me.

Mrs Marland: Your municipality is about 460,000 people?

Mrs McCallion: Yes.

Mrs Marland: And the region of Peel is close to three quarters of a million people now?

Mrs McCallion: Yes, 700,000. I can appreciate why the Premier does not want to meet with us, because I think he is concerned as well. That is my opinion. Waste disposal is not an easy thing to understand. As I told the minister the other night, it is nice to be in opposition and tell everybody what the answers are. It is when you get into government and you do not find them that it is kind of difficult.

Mrs Marland: It is now a week since the public meeting. Has anybody at the region of Peel or the city of Mississauga had any response yet?

Mrs McCallion: Not that I am aware of. The region of Peel and the citizens have filed this officially with the minister, with the region of Peel, with the city of Mississauga, asking that these be the conditions under which Britannia will take the lift. They are filing it with you, Madam Chair; I think it is coming through today.

Let me deal with recycling. As I said to the minister the other night, I am going to predict to your committee that there is a crisis coming on what we do with the recyclable items we collect. If you are not aware of it, you had better know it is coming. We had 550 tonnes of mixed plastics stored in trailers and on Laidlaw's site. Talk about private enterprise. The best deal we ever made was to have Laidlaw responsible for the collection of our garbage and for the disposal of the recyclable items they collect, because we would have been stuck with the cost of storing 550 tonnes of mixed plastics. Waste paper was stored for months.

I can only tell you that we are headed for a crisis situation in regard to recycling. If the minister and the province would only get on with the job of creating the markets and let us handle the collection and the disposal of waste—I hope this committee will recommend that—and get on with the jobs that they can do, we appreciate the

effort. They have given us \$1 million to experiment with composting, and we are doing it. That is the type of thing they should be in. Let us do it with people who are monitoring etc. They should just get on with developing the markets and encouraging the companies and stay out of the waste disposal issue and let the local government look after it.

I am not blaming this government for the complete crisis situation. Mrs Marland, you have heard me outline this. I have been fair because I am basically Conservative with a liberal point of view, a great social conscience, and I am looking for reform in waste management in this province. So that covers the whole thing.

The Chair: Thank you, Madam Mayor, for that very non-partisan last statement.

Mr Offer: As members of the committee will know, the Britannia landfill site is located within the precincts of my riding. I would like to thank you for your presentation, Madam Mayor, not only about the issue at hand but certainly about some other things that I think it is important for the committee to know, such as the need for an expansion of markets for recycled goods. I think it is crucially important that the committee recognize that.

I think it is also important for the members of the committee to recognize that when we are talking about the landfill problem and issue in Mississauga and Peel, we are not talking about the GTA. We are not talking about a Toronto issue. I think the mayor has brought that forward clearly, and I hope and trust it will be kept in mind by members of the committee in the deliberations on this issue.

The point I want to bring up is the six-point action plan that you properly brought forward to the committee. I think the members of the committee should be well aware that this is an action plan which has been prepared and presented by three ratepayers' groups. For the committee's information, they will be able to see, at the bottom of that plan, that the ratepayers' groups are those groups closest around the landfill site. What they are asking for is for the ministry to commit to a 60-day deadline and to restrict the expansion of the site to one lift only. I am glad the mayor brought that forward. They are not taking the position of no lift, no expansion. They are taking the position of one lift only, and they want a commitment that it will be restricted to that.

Madam Mayor, you have had a great deal of experience and expertise in the whole issue of landfill and the whole issue of waste and waste disposal. There is no question about that. Could you give us your impression of this type of position taken by the ratepayers' associations in the area on this matter?

Mrs McCallion: In fact, I met with the ratepayers before the meeting where Mrs Grier agreed to come out and talk to the citizens. My approach to them was that we really were cornered. I was mayor at the time the Britannia landfill was established and therefore had said to the people—because we had a lot of objections then, like we have on any landfill site—“It’s for 12 years only. You’re going to have a golf course. Please, 12 years will pass quickly.” The agreement was that the next site would be in Brampton. Peel agreed to that in the legal binding agreement.

So now I said to them, “The minister is all-powerful, and you had better recognize it. Therefore, in my opinion, I have to tell you that you’re going to get a lift at Britannia. What are the conditions that you want?” That is why they came through with this. Otherwise I think they would have been at the meeting the other night saying, “No expansion, no lift, no nothing,” because they are very upset.

In my opinion, these conditions must be responded to by the minister, and they are not unreasonable. They are not unreasonable at all. If the minister is prepared to use her emergency powers to bail herself out of a crisis such as she has created in Peel, then she should be prepared to use her emergency powers to give us a permanent site. She talks about an environmental bill of rights. Thank God it never passed before this bill went through, because this would be contrary to the bill of rights.

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Mrs Marland: That is right.

Mrs McCallion: There is no question about it. Thank goodness that is held off. That would have been another problem.

In addition to that, unless the minister changes the Environmental Assessment Act, there is no way a site will get through, and she has not done that yet. As you know, there has been a review of the Environmental Assessment Act—I appeared before it—but there is no legislation that I see coming to the House to change the Environmental Assessment Act, unless through some devious means this one will do it.

Therefore, the site that the Interim Waste Authority brings forth, if it takes as long as it took Halton—now they say they have got a different process. I know what the different process is. The citizens will never be in front of politicians. They will never have that opportunity. I am sure the minister is not going to come out, when the Interim Waste Authority is going through the citizen participation and citizen involvement, to hear their complaints. We sit and take the flak, and have for many years, on waste disposal sites.

They are asking here for conditions. I think it would be terrible, irresponsible in my opinion, for her not to respond to this and to give some of these citizens some confidence, some comfort that she will do what she says she is going to do, because her record does not in any way support that. I think in fairness we have to. I hope this committee will realize that this is a reasonable approach by citizens. It is not easy to get citizens to come down to a reasonable approach. I think they have said, “Look, if we’re going to be shafted, we’d like to know how long we’re going to be shafted by the province.” That is exactly it.

The Chair: Mr Wiseman, you have the floor.

Mr Wiseman: I have two really quick questions. It is nice to see you again. I thought I was fairly well on top of these developments, as I have been involved with garbage since 1987, but was site 6A under a full environmental assessment?

Mrs McCallion: Site 6A was at the point where we were ready to go to a full environmental assessment hear-

ing when Mr Bradley issued an order that we go back and do it all over again.

Mr Wiseman: When did you think, given the parameters, that site 6A would have been up and running?

Mrs McCallion: When do I think?

Mr Wiseman: Give me just a rough estimation. In your planning scheme you must have had some idea of when it would have been up.

Mrs McCallion: Sure we had a planning scheme, but how do you know how long it is going to take? I guess if you consult Halton they could tell you. I mean, we do not know. We felt that unless the consultants were off the mark completely, we had a safe site.

Mr Wiseman: Would there have been a gap between the closing of Britannia and the up and running of site 6, with no gap?

Mrs McCallion: No, there would have not been. Well, we do not think so unless there were injunctions, legal actions and all that, as the minister says. How do you know?

Mr Wiseman: The reason I am sitting here in total shock is that we were talking in my riding back in 1987 about this and P1 was going under the Environmental Protection Act. It was a full greenfield site. We never said never in our backyard, but we wanted a full Environmental Assessment Act hearing on it. We were asking our municipality to take care of its own garbage. I applaud what I am hearing from you because I said for a long time that should have been happening in my own constituency, so I applaud you for it. I applaud you for your blue box as well because that is significant in terms of what I think has to happen.

My residents are extremely pleased with parts of this bill in terms of the expropriation. We know, for example, that governments have massive powers to expropriate at will. We have 41,000 acres of north Pickering that was expropriated back in the early 1970s—

Mrs McCallion: For an airport.

Mr Wiseman: —to show the power of expropriation. In this bill there could be no expropriation until the certificate of approval has been granted, which means that governments cannot accumulate massive amounts of land and then turn around and sell them for some use other than what they were originally expropriated for to avoid land banking.

The testing section, for example, when P1 was put on the table because it was Ministry of Government Services land, total access was allowed and the farmers there had no power to recoup any of the losses created by the drilling and so on. The idea of the testing part and that there would be compensation built into this bill, I hear from my constituents is a positive thing. I would like to perhaps turn around and ask if parts of this bill are positive to you as most of this bill is positive from my point of view.

Mrs McCallion: Is that any different than what we do now? You have to justify expropriation. If you do not have a certificate that you can—if you can use the land, that is certainly not justification.

Mr Wiseman: My residents in North Pickering would say there was not a whole lot of justification given that 20-

some odd years later the land is now being considered for uses other than what it was expropriated for in the first place.

Mrs McCallion: The federal and provincial governments are all-powerful, they can do anything. We cannot at the municipal level. There is no way we can expropriate in the way the federal and provincial governments can expropriate. So it is no different.

Mr Wiseman: What I am trying to get at here is that the positive aspect is that if you named 20 or 25 sites throughout a region, which is going to happen in Durham, the minister cannot expropriate them all and then turn around and sell them for something else.

Mrs McCallion: But do you think that would happen? I know governments are screwy, but they cannot be that screwy. Come on. It is not logical that any government would do it even if it had the power to do it.

Mr Wiseman: Our government is logical, but I point to the 41,000 acres in north Pickering and my residents have some difficulty with it.

Mrs McCallion: I do not know what the federal government did. I cannot be responsible for that. I am only responsible for what happens in Mississauga and I can assure you we would not expropriate any land for any purpose unless we were intending to do the job, like a road widening or whatever. I hope governments would be more responsible in expropriation. We are, so I can only speak from experience in our city as to how we look at expropriation. It is the last resort. In fact, I am sure at times we pay a bonus not to go to expropriation because it is the last resort that should be used. I would hope the provincial government acts responsibly. If you feel the federal government did not act responsibly on the Pickering site, maybe it regrets that now that it has all that land sitting there growing weeds or leased it back to farmers. We cannot be responsible for that. I just say to you, we are responsible in the region of Peel.

Mr Wiseman: The second part of my question was the positive aspects. Do you see any positive aspects in this bill?

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Mrs McCallion: There have to be some positive aspects. I believe in the 3Rs but the Minister of the Environment cannot teach Mississauga anything about the 3Rs. We are so far ahead it is not even funny. We are the largest city in North America to proceed with the blue box. We did it at our expense. Reduce, reuse, recycle, we have been doing it. When you think we have 11 items, the gamble we are taking, we are prepared to put our money where our mouth is. I wish the province was prepared to get on with the market so we can get rid of the junk we collect. We cannot get rid of it. The price of paper has dropped considerably. I am not blaming the province for it, I am just saying, would you please concentrate on the things you can do that we cannot do. Mississauga cannot develop the recyclable market for something that is not our responsibility or jurisdiction. When you have 550 tonnes of mixed plastics—unless there is an answer to the mixed plastics, we are going to ban the Tetra Pak and mixed plastics from

our collection as of March 1 if there is no market. That is the thing the province should be concentrating on. We will collect it; we know how to collect it and the private sector knows how to collect it.

Another thing with this bill which concerns me, and I am sure others will address it, is it time we allowed private sector to do certain things. In my opinion this bill could knock out waste disposal companies in this province. If you want government to run it all, you are headed in the right direction.

Mr Wiseman: How could that happen?

Mrs McCallion: You could put them out of business. If you ban where they can take the residue, that is what you are going to do. Where they have landfill sites, you cannot take it outside the GTA, you cannot take it outside a region. We do not know how far this bill will go.

I think it is government and private sector working together, as we do in the city of Mississauga. I can assure you we have saved a lot of money by having a contractor collect our garbage. We do not have any strikes as well. Second, they have the risk of getting rid of the recyclable items they collect. We do not have it, they have it. When 550 tonnes of plastics had to be stored, they had to be responsible for it, not the city. It is time we took a businesslike approach to some of these items. Business, private sector, has a very important role to play because government never does anything more efficiently or less costly.

The Chair: Thank you very much for your presentation today. We appreciate your coming before the committee and I know you are aware that you can continue to communicate with us in writing if there is anything further you think would be of help to us during our deliberations. We appreciate your coming here today.

Mrs McCallion: Thank you very much. I hope the committee will really put in a good report.

The Chair: Mayor McCallion, you should be aware that the committee does not put in a report. What the committee will be doing is examining the bill clause by clause. There will be proposed amendments which may or may not pass, but the committee will report the bill back to the House for either committee of the whole or third reading debate. There is no formal report from this committee. It is an important distinction.

Mrs McCallion: Okay. I want to thank the two parties that got it before the public. I did not think they had a hope but I want to congratulate them on behalf of the people of the province of Ontario.

POLLUTION PROBE

The Chair: I would like to call the next presenter, Pollution Probe. Welcome to the standing committee on social development. You have one hour for your presentation. If you would just have a seat and begin your presentation, please.

Ms Schwartzel: It will not be an hour.

The Chair: While the room is being cleared, I would ask for everyone's attention so we can continue with the presentation. The process for the committee is that after the presentation is completed—order, could I have your

attention please? Welcome. Could you please begin your presentation by introducing yourself to the committee? You have a full hour and we would appreciate it if you would leave time for questions from committee members. Please begin now.

Ms Schwartzel: Thank you for the opportunity to speak before you today. I would like to just give a brief introduction of Pollution Probe.

Pollution Probe is a registered charitable organization dedicated to the restoration and protection of the environment. The organization was founded in 1969 and currently has about 30,000 members Canada-wide. Pollution Probe has a long-standing history of advocacy on waste management issues. We were in the thick of things and willing to get our hands dirty as far back as 1973 when we helped establish curbside recycling of old newspapers in a number of Ontario cities.

Over the years, the organization has published numerous reports detailing the barriers to 3Rs initiatives and making recommendations to overcome those barriers. Our aim has always been to recommend practical solutions to help shift Canada towards a conservator society, and we have been pleased when from time to time governments have adopted our recommendations. A partial list of our publications on waste management issues is appended to the submission which has been distributed to you.

Pollution Probe is grateful for the opportunity to comment on the proposed waste management legislation recently introduced in the Ontario Legislature. We support the goals and intent of Bill 143. In our view, the proposed Waste Management Act contains a number of important, positive mechanisms to encourage waste reduction initiatives. Unfortunately, the same bill also proposes significant curtailment of public consultation rights; rights that are vitally important to the protection of the environment and that groups such as Pollution Probe have fought long and hard for. Consequently, we cannot support the bill in its entirety. In particular, we recommend changes to Part III that allow for public consultation in the form of EPA hearings for the proposed landfill expansions.

We have further specific comments on the following areas of the bill.

Part II: Our interpretation of Part II assumes that the long-term waste disposal sites for the GTA region are automatically subject to the Environmental Assessment Act, as they should be. Our reading of the minister's statement to this committee several days ago confirms that this is the government's intention.

As well, Pollution Probe supports the intent of section 13 under part II, which stipulates that the Interim Waste Authority will use the waste diversion estimates provided by the minister to determine the required capacity of landfill waste disposal sites. In our view, the waste reduction office of the ministry is the agency most competent to estimate the waste diversion levels that can be achieved over the coming 20 years.

Unlike the staff of the waste reduction office, the staff of the Interim Waste Authority have not spent the last year concentrating on waste reduction issues. They are simply less likely to know what is feasible 5 or 10 years down the

road and what volumes can realistically be diverted. I expect the waste reduction office will make its calculations conscientiously and conservatively, because the figures will have to withstand close scrutiny.

On another issue, Pollution Probe applauds the government's decision to limit consideration of long-term waste management alternatives to aggressive 3Rs programs and the landfilling of residual waste. We are convinced that municipal waste incineration and waste export are disincentives to waste reduction and are not environmentally sound solutions.

It is probably worth pointing out that other governments have made similar policy decisions to cut off certain kinds of waste disposal options. In Ontario, for example, the previous Liberal government, citing environmental concerns, banned apartment incinerators. The same government also banned the use of waste oil as a dust suppressant. In a similar vein, the federal government under the Conservatives has banned the export of waste PCBs overseas. The committee may note the approach those governments took. They did not say, "We'll make sure apartment incinerators add new filters to their stacks," or, "We'll ensure that every litre of oil spread on roads is carefully tested," or even, "We'll be really, really careful about the overseas locations we ship our PCBs to." Those governments decided that fundamentally those disposal technologies were not environmentally sound solutions. They ruled them out. As a result of these bans, one would not expect such technologies to be presented as alternatives in environmental assessments.

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Because there is still a great deal of debate about the merits of burning garbage, I would like to spend a few moments outlining our principle concerns with municipal waste incineration. Essentially, we see incineration to be a disincentive to reduction, reuse and recycling programs. Materials such as paper, wood, organic waste and plastics are all increasingly being recycled or composted, and finding markets. Materials such as glass and metal are in any case non-combustible. Under the national packaging protocol, packaging wastes are expected to be cut by 50% by the year 2000.

In general, the materials that would have the highest fuel value are also most readily being diverted from the waste stream. Paper is a prime example. Paper represents about 20% to 30% of the municipal waste stream, and much of this is newsprint. Committee members may be aware that there are at least 11 newsprint de-inking mills planned or under construction in eastern Canada. This represents an industry investment of approximately \$1.3 billion. These plants will require all the old newsprint they can get their hands on. In fact, industry experts are predicting they will have to import old newsprint from the United States. Given this demand, it would be nonsensical to incinerate Ontario paper.

Incinerators compete with waste reduction programs not only for materials but also for financing. Modern, large-scale incinerators come with pricetags as high as \$500 million, or even \$1 billion in the case of a recent proposal for Sarnia-Lambton. The high costs of incinerators force municipalities to allocate the lion's share of their limited

financial resources to the construction and maintenance of these facilities and make the funding of recycling and composting programs very difficult.

Once incinerators are built, they must be fed in order to ensure the operators' profits. As a result, incinerator operator contracts often stipulate minimum quantities of waste that must be supplied and include penalties in the case that waste quantities are not met. Under such situations, when city administrators have to choose between supplying fuel to the incinerator and minimizing waste through 3Rs programs, they generally opt against waste diversion.

It is often assumed that incinerators somehow make garbage vanish or that they eliminate the need for landfill. They do neither. Ash residues typically represent 20% to 30% of the original weight of garbage. The fly ash in particular is difficult and expensive to dispose of safely. Because this ash contains high levels of leachable heavy metals, such as lead and cadmium, it is classified by both US and Ontario laws as hazardous waste and must be treated as such. For example, the London's Victoria Hospital incinerator, a relatively small facility, has had to spend \$500,000 per year recently to dispose of its fly ash. Incidentally, that plant started operations in 1987 and is now over \$13 million in debt.

Air pollution remains a major concern associated with incinerators. Despite modern air emission controls, incinerators produce significant quantities of air pollutants, including acid gases, heavy metals, fine particulates and chlorinated hydrocarbons. Mercury is a particularly tough toxin to control because it readily vaporizes and is released as a gas instead of being trapped with the fly ash. In the US it is estimated that municipal waste incinerators contribute more mercury, about 70,000 pounds annually, to the atmosphere than the entire industrial sector. Recent tests at a Detroit incinerator showed that it was emitting mercury at a rate of 80 grams an hour. Needless to say, the residents of Windsor are not impressed. Those interested in a more detailed critique of municipal waste incineration might want to read the summer 1991 issue of Probe Post magazine.

I would also like to briefly outline why we advocate a policy of local responsibility for local waste. At the outset you should be aware that this concept is not new or unique to Ontario. The Basel convention of 1989 is essentially an agreement signed by countries which acknowledges the responsibility of nations to place restrictions on the export of their hazardous waste.

There are many who think the Basel convention does not go nearly far enough. For example, last June a bill was introduced into the US Congress which would ban imports and exports of hazardous wastes for that country. Several US states, such as Indiana, Ohio and Illinois, have also tried to prevent the importation of out-of-state municipal garbage, with varying degrees of success. We can expect garbage-receiving jurisdictions to step up these efforts in the future, responding to intense pressure from their own communities.

Having to keep wastes close to home does create a very strong incentive for waste generators to minimize their waste production. If the same administrators who control 3Rs programs are also responsible for the local

landfill site, you can be sure they will do everything in their power to conserve landfill space. On the other hand, if that landfill site is 600 km away and someone else's problem, and the tipping fee is only \$1.50 per tonne, they will be somewhat less interested in minimizing waste.

With regard to the GTA, the Minister of the Environment made a policy decision, a good decision in our opinion, that a landfill site search for GTA waste should be conducted within GTA boundaries. Ministers are entitled to make policy decisions; in fact, they are elected to carry out that responsibility.

There have been calls to carry out a full environmental assessment on the Kirkland Lake proposal. Such as assessment could not, in my view, be carried out without expanding the site search area again, to the entire province, and also considering sites in Lambton county, Marmora, Orillia, Cayuga, Plympton and dozens of other locations all over Ontario. Once again small communities all over the province would be open to the threat of GTA garbage. That threat has created enormous anxiety and uncertainty in recent years and is one reason why local responsibility for local waste is so important.

One also has to consider what would happen if the precedent of the Kirkland Lake proposal were set. Would only Metro Toronto have the right or the political muscle to ship its garbage to the hinterlands? Undoubtedly the same rights would have to be granted to London, Hamilton, Windsor and any number of other cities. Theoretically they could all ship their garbage far north where nobody important lives, where towns are so desperate they will do anything for a few jobs. This suggests a fairly perverse vision of northern Ontario transformed from a land of forests and tourism to a region of colossal garbage dumps and endless caravans of garbage trains. Few people would recommend this as the preferred form of regional development for northern Ontario, but as an old Chinese saying points out, "If we don't change our direction, we're likely to end up where we are headed."

As well, such a scenario would throw the waste management plans of small and large municipalities into chaos. Why conserve landfill capacity, why concentrate on reducing your community's waste, if political deals can suddenly make your community the recipient of another city's trash? I think you may have already heard that the waste management master planning process is arduous enough without this enormous additional uncertainty.

It is a basic fact that cities require all kinds of infrastructure to function. They cannot consist solely of prime residential areas. They require roads, industrial areas, cemeteries, sewage treatment plants and also waste management facilities, each appropriate to the size of the city. The siting of these kinds of infrastructures is undeniably difficult. It requires good land use planning and a good public participation process. It also requires patience, goodwill and a common vision.

There are cities that try to avoid siting and paying for the necessary infrastructures, but the social and environmental consequences of this are becoming unacceptable. For example, Halifax and Victoria have been pumping their raw sewage into the ocean for many years, but they

are gradually being shamed into setting up sewage treatment plants. Similarly, transporting trash long distances is no solution to the garbage problem. Well-travelled garbage is not better garbage, and shipping everybody's garbage long distances in all directions would be simply ludicrous, unless of course your business happened to be shipping garbage.

With regard to part III, as pointed out in the introduction, Pollution Probe is disappointed with the province's decision to forgo public hearings on the proposed landfill expansions at Britannia and Keele Valley. We informed the minister of our concerns in a meeting on July 3, 1991, and two days later participated in a news conference criticizing the decision. We urged the minister at the time to accelerate the public consultation process rather than eliminate it, since there were then almost 12 months available before the anticipated closure of Britannia Road. We pointed out that this would allow time for technical studies and a scoped EPA hearing as well as site preparation. Peel's Britannia Road landfill site is projected to reach its capacity in mid-1992.

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It was our understanding that an EPA hearing would require approximately three or four months of preparation time and that the hearing itself could be completed in a month. The time line was certainly tight, but with commitment and the possibility of emergency powers coming into force after a given deadline, we suggested that all parties could be convinced to concentrate on substantive issues and expedite the hearing.

The minister disagreed with our time lines. The time lines she described to you two days ago allow for a year and a half for studies and a further year and a half to complete the hearing and appeals. Evidently relations between various levels of government have deteriorated to such an extent that no goodwill can be counted on for any interaction. Every action is subject to delay and challenge in the courts. Such skirmishes provide high excitement for politicians and good employment for lawyers, but the people who live near the proposed landfill sites kind of get left out in the cold. I do not think they want a long hearing; they want a fair airing of the environmental issues that concern them before an impartial board. Instead it seems they must settle for a public liaison committee.

A public liaison committee as proposed cannot, in our opinion, substitute for the deliberations of an independent board. Under the Environmental Protection Act the board would be able to hear evidence regarding the impacts expected on the clay liner systems, the leachate collection and treatment systems and the gas collection systems. Based on environmental and technical considerations, the board would have the opportunity to accept the proposed expansions, impose conditions or reject them. The possibility of the board rejecting the proposals does exist. It is a necessary safeguard to ensure the protection of the environment.

We are still disappointed that the government did not proceed in this way. Now, at the 11th hour, it may indeed be too late for anything but ministerial fiat. The community living next to the Britannia site will have lost its opportunity to voice valid concerns before an impartial board and this will be a clear failure for public consultation. This type

of failure cannot be repeated for the proposed expansion of the Keele Valley site. Given Keele Valley's new projected closing date of mid-1996, ample time exists, in our opinion, for an EPA hearing following the guidelines for interim expansion of landfill sites.

Part IV contains many valuable amendments to the Environmental Protection Act. Section 22, for example, validates actions which take place in order to protect the environment beyond Ontario's borders. We understand this particular section would be applicable to many issues and is not simply waste-related. It would add strength to initiatives taken to combat global warming, for instance, or to protect the stratospheric ozone layer.

Section 26 replaces the authority of the minister with that of the director to require municipalities to take certain waste management actions. This raises some concerns about accountability and the potential for abuse. We understand that municipalities but not other parties have the right to appeal director's orders before the Environmental Appeal Board. On balance, we do not see compelling reasons for this amendment and would prefer that the minister retain this authority. After consultation with AMO, I understand the minister has apparently agreed.

The five-year maximum time limit proposed on requirements that municipalities accept outside waste still seems inordinately long for what should be strictly an emergency situation. "Host" municipalities stand to lose much of their landfill capacity under such a scenario and "guest" municipalities have the breathing space to dawdle on their waste management programs. These agreements should be critically reviewed on a much more frequent basis and should be used only on an emergency basis.

Most of part IV establishes legislation which enables the government to put in place important new measures for waste reduction, reuse and recycling. We support these amendments and we are pleased that these sections are in large measure also being supported by members of the opposition parties.

The Ministry of the Environment's Initiatives Paper No 1 released last October outlined some of the regulations that are proposed under this legislation. For example, waste audits, waste reduction work plans and source separation of recyclables will become mandatory for much of the industrial, commercial and institutional sectors. Since these sectors are responsible for fully 60% of municipal waste, they need to be involved. Blue boxes on residential lawns cannot do the job alone. Waste audits are valuable tools that can help companies analyse their waste composition and identify processes that result in unnecessary waste. In the long run, and often even in the short run, waste audits can save companies money.

Doubtless you have heard some of the success stories of forward-looking companies that have already embarked on this process, companies as diverse as Bell Canada, Hewlett-Packard, Quaker Oats and the Royal Bank. The proposed regulations will ensure that all major companies and facilities get serious about waste reduction. I do not think it is going too far to say that this will be a factor in improving the competitiveness of Ontario industry. The October initiatives paper sets out regulations that will ease

the siting of recycling and composting facilities. This also will be important to the success of other 3Rs initiatives.

As well, the proposed regulations will make residential recycling mandatory in all but the smallest communities. Currently a little over half of Ontario households are served by curbside recycling. If we want to solve Ontario's waste problems, clearly that figure needs to improve. The municipalities and the landlords who are willing and eager have, to a large extent, already joined up. The proposed regulations will ensure that everyone contributes to the solution.

In summary, part IV of Bill 143 provides critical enabling legislation for the province's waste reduction action plans and in our opinion should be passed in the Legislature. I thank committee members for their time and I would be happy to take any questions you have.

Ms Haeck: Thank you very much for a very good and articulate presentation. I want actually to turn to the bottom of page 8 of your presentation where you make the statement about improving the competitiveness of Ontario industry. We have had several presentations in the last couple of days from industrial representatives. They feel in some respects that they are going to be shut out of any dealings with the waste disposal industry and that competitiveness is in fact not going to be a part of the deal. On what do you base your statement?

Ms Schwartzel: In this case I am referring to the use of waste audits for industries that are generators. Any industry that is producing waste out its back loading docks has to pay tipping fees, and those tipping fees have obviously increased exorbitantly. Any company that does a good waste audit and discovers that it has internal processes that are unnecessary or produce excessive waste—or it may discover as well that its own suppliers are providing excessive packaging on their raw materials—discovering that and changing its processes will inevitably result in a better bottom line for it.

Ms Haeck: I am not sure whether you heard any of the comments from industries like Laidlaw or St Lawrence Cement with regard to their proposals around waste reduction and waste disposal.

Ms Schwartzel: I did not hear the submissions of other companies. Are their concerns that they will be put out of business?

Ms Haeck: That they will somehow be shunted aside and ultimately not be part of the garbage business.

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Ms Schwartzel: I think there will always be a role for private waste haulers. The forward-looking companies are getting into recycling in a big way and finding new markets and entirely new components of their industry in that area.

Mr McLean: Could you identify for me any plant or facility in the province that is a large recycling plant being used to its full potential? I am talking about a large one that separates plastics, cans, papers.

Ms Schwartzel: To its full potential?

Mr McLean: I am looking at 50% to 60% reduction, separation of recyclable materials. Is there a large one in the province that you know of?

Ms Schwartzel: I would say that Guelph is closest to that. On its pilot-scale programs, Guelph has been able to reach 60%, I am pretty sure. That pilot scale, I believe, involved at least 800 families, if not more. I am going on memory, but I think the evidence was sufficiently compelling to Guelph city council that it has committed something like \$14 million to go full scale on that so-called wet/dry process.

The debate that rages there is one of whether or not one should have three streams of residential waste or two streams of residential waste, but in both cases they seem to go beyond the 50% or 60% waste diversion. That of course involves a composting plant.

Mr McLean: Do you know of any facility that does the recycling and, at the end of it, what goes for garbage is baled and put into a site? Do you know of any site that is being used for that purpose? There is some company that does that. I know they were trying to get the program off the ground to do the recycling part of it and then what was left over was to be put into bales.

Ms Schwartzel: They bale it to reduce its volume.

Mr McLean: That is right.

Ms Schwartzel: I am afraid you have got me there.

Mr McLean: I thought I would find out. We heard from the mayor of Mississauga with regard to the foreseeable future what she predicts with regard to getting rid of what we recycle. What are your comments on that? I am all for recycling and would like to see 70% recycled, but what is happening with getting rid of it?

Ms Schwartzel: Finding markets for the recycled materials?

Mr McLean: That is right.

Ms Schwartzel: I think there are certain kind of plastics, PET is one, for which there are good markets, and I think the plastic manufacturers have begun looking at segregating the different kinds of plastics. There are at least six, and you may have noticed that they have their little logos on the base of them, but those apparently are not effectively used in municipal recycling facilities because people do not have time to read labels. So the segregation of the different kinds of plastics is still a technical problem and you cannot simply mix them willy-nilly. Well, you can, but you get superwood and there are limited buyers for that material.

I think there are a lot of initiatives out there looking at closing the loop on plastic containers and even closing the loop when the containers previously contained beverages. That is something that is being worked on.

Mr McLean: Hardly anybody today has touched on the subject of recycling rubber tires and the problems of getting rid of those. It is not really much to do with the bill, but I know Pollution Probe's long-standing concern over the environment. Have you made any recommendations with regard to those tires being shredded and put into building roads, or are there any other recommendations that the people in your organization have been looking at?

Ms Schwartzel: As a matter of fact, I am a member of the Ontario Scrap Tire Task Force—a fancy name—a

bunch of people, largely industry representatives, who are trying to come up with a management plan for Ontario's scrap tires.

Certainly Pollution Probe's position has been that there are a number of things to be done. The first and best thing is to take better care of your tires, because according to the Rubber Association of Canada, most of us underinflate our tires; we just neglect them. Maintaining them properly would increase their lifespan by 30%, and that is the Rubber Association of Canada saying that. A simple public education program, letting people know that for \$1.50 they can buy one of those tire gauges and see whether their tires are up to par, would help a great deal.

The second thing we would like to promote is tire retreading for passenger tires as well. We think that is something that has really been underestimated. There are companies that do it in North America. Lakin in Chicago turns out 1,000 retreaded passenger tires a day. It is the big, new green industry in Germany, for example. So that could certainly help. Then there are any number of crumb initiatives that are also being looked at, as well as the asphalt rubber, which is what you began your question with.

Mr McLean: You have some good points, because we always see truck tires being retreaded but we never hear of passenger tires being retreaded.

Ms Schwartzel: Yes, and the Canadian Standards Association has standards for them. It can be done. Germans are car crazy and drive pretty quickly and if they can cope with retreaded tires—

Mr McLean: We could.

Ms Schwartzel: —we could.

Mr McClelland: There are a couple of things I wonder if you could help me on. On page 7 of your brief it says people "want a fair airing of the environmental issues that concern them before an impartial board." Am I correct in assuming that you had hoped that same right or luxury or privilege, whatever word you want to use, would be accorded to all citizens of the province regardless of whether they were proponents of a project, private sector or citizens? Would it be reasonable to assume that the position of Pollution Probe for the most part would be that all people should be given the opportunity for a hearing before an impartial board?

Ms Schwartzel: I think that is certainly true, and it applies especially to people who are likely to be affected in that way.

Mr McClelland: Thank you. In what will now be, under section 29, the new subsections 77(1) and 77(2) of the Environmental Protection Act, there is reference to a terminology, "a waste management problem," as yet undefined. In short, the enabling legislation, section 29 of part IV, will allow regulations to be promulgated that would deal with a waste management problem. There is no definition attached to "a waste management problem." Is that of concern to you?

Ms Schwartzel: I see that as enabling legislation that is going to require detailed regulations, and I think that no government would be able to pass those regulations without a

great deal of consultation and without some pretty compelling evidence that something was a waste management problem.

I think that given the waste crisis, it is fair for governments to have that enabling legislation, if only as an opportunity to start discussion for other mechanisms of dealing with that material. If you look, for example, at the German green dot system to deal with packaging, the government put forward a pretty broad and aggressive piece of legislation which essentially said all packaging can be returned to retail, and package producers are responsible for it.

Mr McClelland: It is presumably in terms of part IV regulations. I would think that one of the things we would want to look at very significantly in terms of establishing a hierarchy of 3Rs is regulations that would encourage reduction, as you suggested, that would have financial incentive for the consumer, ultimately, but primarily for the producer. Those regulations we want to look at in terms of the export, as well as importation—let me start again. We would want to look at the domestic production of product, but would also, and I would like your views on that, deal with the importation of product in terms of compliance with the regulation.

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Ms Schwartzel: I do not think you can ignore the imports. You certainly have to address them in some manner. To be quite honest, I have not got the perfect solution there. It is a tricky one.

Mr McClelland: Part and parcel of that, which I think is very, very important—I find it strange and I would be interested in your comments—is that we talk about establishing part IV to set up regulations that would encourage a particular hierarchy, that would encourage reuse as the way to go. What is your response to the fact that early this week in excess of half a million dollars was committed by the taxpayer of Ontario to encourage reuse rather than reduction in terms of disposable diapers?

We had a situation where the government on the one hand is saying, "We really want to stress reduction," yet we are talking about recycling here. We are putting money into recycling; we are not talking about reducing the amount of waste created. The incentive seems to be contradictory. It seems to me we are looking at setting up a scheme that would enable regulations to set out a hierarchy to make the emphasis the top of the 3Rs, yet we are putting our money into the bottom, recycling. How does that sit with you in terms of the apparent contradiction on the face of it?

Ms Schwartzel: You may know that Janine Ferretti, the executive director of Pollution Probe, commented on that and expressed her disappointment. I must say I am disappointed as well with that particular decision. It is not that those studies should not be carried out; it is just the fact that taxpayers' money is being spent on it. Half a million dollars is not inconsequential. It is a reasonable amount of money. I just wonder how much funding was available to small entrepreneurs that were looking to introduce cloth diapers into hospital situations, for example. I would be rather surprised if it was anywhere near a half a million dollars.

Mrs Mathysen: Thank you for presenting a brief that is not only very interesting and factual, but also demonstrates a sense of humour that I think—

Ms Schwartzel: Is lacking?

Mrs Mathysen: —we very often need to have in proceedings like this.

In your presentation you made reference to part IV of Bill 143, specifically to section 22. As you say, it validates actions which take place in order to protect the environment beyond Ontario's border. This section is criticized in a brief that Laidlaw submitted to us this morning. Basically, they said Ontario is exceeding its jurisdiction, particularly under section 91 of the BNA Act. Can you elaborate on why you think this is a good amendment to the EPA to protect our environment and the environment beyond our borders?

Ms Schwartzel: I guess that is a good question to ask environmentalists, because they are always the ones saying, "Think globally, act locally." I think we are realizing that environmental problems do not know jurisdictional boundaries. We have a lot of impact in Ontario on other jurisdictions. It is not just waste, but waste is certainly a problem.

Greater Toronto area waste is going to small landfill sites in Indiana and Ohio, where people live in farming communities and have virtually no controls over what their landfill site looks like. They just do not have the opportunity to protect their own environment and they are putting forward bills in their own state legislatures to ban out-of-state waste, or at least to ensure that the tipping fees resemble those that the waste would have found back home where it was generated. So far, those bills have not been very successful. I think this is a really forward-looking piece of legislation and it would be really good to see other jurisdictions provide the same kind of protection for their neighbours.

There is an interesting area that is not waste-related that we might think about. A lot of people may not know that the city of Winnipeg depends on Ontario for its drinking water. Shoal Lake is within the Ontario boundary and the citizens of Winnipeg are pretty nervous about that situation. It has caused problems in the past. That is just another classic example where a minister would have the opportunity to use this kind of legislation to ensure that the needs of other cities and other jurisdictions are safeguarded.

Mrs Mathysen: I suppose the flip of that would be the Detroit incinerator and the very fact that this is creating problems for the constituents of my colleague Mr Lessard and the concerns around mercury contaminants.

Ms Schwartzel: Absolutely. I am sure committee members know that Ontario has been in court there since 1987, and that was established under the Liberal government. It has really been a very hard, slow slog for Ontario. We do not seem to have a lot of rights in the states. I think you would find few residents of Windsor who are really happy about it. It is a real problem.

Mr Lessard: My colleague to my left sort of stole part of my question, because I was going to bring up the incinerator in Detroit as well, happening to be a resident of the city of Windsor. It is interesting that you bring up that

example because, as you know, we are still involved in that lawsuit. We heard the minister a couple of days ago saying that she is going down to Detroit on Monday to testify at that hearing. It is one of those issues that seems to have been going on for years and years, yet the garbage still continues to be burned in that incinerator.

You made some statements about the ash that comes from incineration, the disposal problems with it and the fact that 20% to 30% of what is burned you still have to end up disposing of, and you talked about the high levels of heavy metals and lead and cadmium. Does the process of incineration create those high values? Is there some chemical process that takes place in there or are those things that would be existing in the waste content, whether you burned it or not?

1650

Ms Schwartzel: All those heavy metals are in the waste content. The mercury is in large measure what is left over from batteries. Lead is from car batteries and other types of equipment that have lead solder. The problem with incineration is that it increases the surface area of whatever is incinerated by many orders of magnitude. Essentially it produces ash. I am not a chemist by training, but what happens is that the heavy metals are a lot more accessible to leaching, to acids and bases, so that when the ash is in a regular landfill site and rain goes through you are going to get those heavy metals moving gradually down into the water table, and that is a real problem. These are large quantities of ash that are deposited in landfill sites.

The town of Westminster near London, Ontario, was the recipient of mixed bottom ash and fly ash for a number of years. A few years ago the federal incineration testing program established that the fly ash from that incinerator was in fact legally hazardous waste under law. It failed the test. Following that, the regulations were changed and now fly ash needs to be separated at the front end and needs to be securely disposed of as hazardous waste. The residents of Westminster are worried about their groundwater as a consequence of this.

Mr Lessard: Do you know the relationship of the costs of disposing of hazardous waste as opposed to just regular waste? Is it two times more expensive or three times more expensive?

Ms Schwartzel: I have not kept up with that recently. I have heard that costs of hazardous waste are approaching \$700 a tonne, but I could be wrong.

Mr Lessard: In effect, you end up having to pay more if you burn it, I suppose.

Ms Schwartzel: For the fly ash, certainly, it is a great deal more.

Mr Lessard: I think you were here as well to hear from the mayor of Mississauga. She talked about the success of the blue box program and the efforts they have made with respect to the 3Rs in their community. They have done a good job in collecting recyclable materials, but she made the point several times about the 500 tonnes of plastics that they have stored around because they have not got a market for it. I wonder if you could give us suggestions

as to the sorts of things the provincial government may be able to do to help develop markets for recyclable materials.

Ms Schwartzel: I think not only the provincial government but municipal governments at all levels have a lot of opportunity to produce markets and they do not need to go further than their own purchasing policies. Governments have enormous clout as customers. They have enormous budgets. They buy incredible amounts of materials and services. The problem is that purchasing policies are completely separate from waste management programs. Purchasing agents have their own bottom line. They have to make sure the material is as inexpensive as possible and that it provides for the needs of the people who are using it, but they do not consider other priorities of the same government. I think that needs to change.

The provincial government is beginning to move along those lines. The Ministry of Government Services has been working on that program for a couple of years now. I would like to see municipalities do a great deal more of that. There is more to buying green than just buying recycled paper. Going back to the issue of scrap tires, there are a lot of products that can be made using scrap tires that would be really applicable in public works programs: highway sound barriers or retreaded bus tires. There are a lot of cities in Canada, Vancouver, Victoria, Ottawa, Montreal, that use only retreaded bus tires. I think any province that provides some sort of funding to a public transit authority might consider that. If they cannot make it a requirement, let's say they should strongly urge municipalities to go that route. Those are just examples.

The Chair: I have a request from the parliamentary assistant to clarify. After that I will allow Mr Martin at least to put his question if there is not enough time to have it answered.

Mr O'Connor: There has been a bit of discussion around the disposable diaper issue. We have to try to make sure we do not mix what we are here for, but since the topic was brought up, I think we should clarify that the government and the ministry are clearly committed to the hierarchy of the three Rs, which is reduce, reuse, recycle. In fact, mention was made of cloth diapers, and money has been spent on making sure that we can get some programs going for that. But perhaps, to speak to the money issue, I should turn it over to the deputy minister for regional operations, Jim Merritt, who can address the whole program of trying to access some of the grant money Mr McClelland brought up.

Mr Merritt: I do not want to take up the time of the committee, but just for clarification I want to point out that there is a regular grant program for assisting with reduce, reuse and recycle. This not an arbitrary program. There is a process and a set of criteria. Applicants are welcome to apply to this.

On top of the grant that has become an issue here, we have also received a number of applications from cloth diaper concerns and we have in the past provided \$100,000 in grants to 10 institutions to assist them with switching to cloth diapers.

The Chair: Excuse me, I am going to intervene. Mr Martin may have a question which is relevant to Bill 143. I think he should be permitted to place that. I think you can give the committee this information in writing.

Mr Merritt: Certainly.

The Chair: Mr Martin, do you want to place your question?

Mr Martin: I want to follow up a little on perhaps some of the discussion between yourself and Mr Lessard and also Mr McLean. Certainly anybody who has been paying attention will realize that we have a problem in this whole area of waste management, and it has been building over a number of years.

On television last night the Premier said that we have problems in many areas, brought on by many forces that are not within our purview or control. There are no magic answers. I think this legislation is an attempt to put into some context at least the direction we want to go in, and certainly the three Rs are an important piece of that.

I know from some of my own work—trying to get a tire recycling opportunity in the north, and you are familiar with that—that the issue of markets is a big one, and things like the free trade agreement and state restrictions in the United States, and even interprovincial barriers in Canada, mitigate against some of that.

You said you belonged to an organization that is looking at the question of tires and how we dispose of them in waste. Is there anything happening that is shedding any light on this regarding the opening up of markets? I know that in some jurisdictions legislation is being passed regarding the percentage of a material that has to be recycled. That will create some markets, but it is the break into those markets that seems to be the challenge. Do you think this legislation will be helpful in that movement? Is there any light that you know of that is beginning to open up in front of this question of how we market some of this stuff?

Ms Schwartzel: I should just briefly say that the Ontario Scrap Tire Task Force has been established by the Ministry of the Environment's waste reduction office. That is a voluntary, temporary group.

I am not a lawyer and I have not looked at part IV sufficiently carefully to see whether it would allow the requirement of certain recycled content. It would certainly be useful if that were the case. For example, that has been used in the United States. There are a number of states—

Arizona, I believe, and California being chief among them—that have required certain levels of recycled content in newsprint. Quite frankly, that has really shaken up the pulp and paper industry.

Prior to that they did not believe recycling was a going concern. They did not believe they had to do it. We are now seeing de-inking mills being built all over North America in response to that legislative decision. In fact, the US Environmental Protection Agency has made not quite as strong a statement on retreaded tires, but there is a procurement policy by the USEPA that all federal vehicle fleets shall consider using retreaded tires. Those kinds of directives are useful, needed and will help create the markets for recycled materials.

The Chair: There are a couple of minutes remaining. What I point out to the parliamentary assistant is that if the ministry wishes to clarify something in the interchange of the member who has just spoken, I will ask consent to do that. I felt it was important for committee members to be able to place their questions first. The ministry can always provide that information in writing for the committee.

There are two minutes remaining. The time is yours if you wish, Mr O'Connor. Now you can use the remaining time. Mr McLean?

Mr McLean: I just wanted to place a question on the record for the ministry to answer, just the very subject you were relating to with regard to recycling. There is a company in the city of Orillia by the name of Jolly Bottoms, which I think was appropriately named for a company that wants to become involved in the diaper recycling business. They have made application to your ministry on two different occasions. They meet the requirements and then the ministry comes back with more regulations. I would like you to give me a copy of the people who have been approved and what amounts have been approved.

The Chair: Perhaps the response to Mr McLean's question will give the ministry an opportunity as well to explain its grant program and how that works. All members of the committee can receive a copy of that and it will become part of the public record.

The time being 5 o'clock, I will announce that the standing committee on social development stands adjourned until 10 am tomorrow. Thank you all.

The committee adjourned at 1702.

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Standing committee on social development

Waste Management Act, 1991

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday 23 January 1992

The committee met at 1003 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

NOTRE DEVELOPMENT CORP

The Chair: Good morning. The standing committee on social development is now in session. We are examining Bill 143, Waste Management Act, 1991. I see a quorum and I would like to call the first presenter, Notre Development Corp. You have one hour for your presentation and the committee has asked if you would leave as much time as possible for questions from the committee. If you wish, you can request a few minutes at the end for summation. Please introduce yourself at the beginning of your presentation for Hansard and please begin now.

Mr McGuinity: Thank you very much, Madam Chair. I am the president of the Notre Development Corp, a northern company that acquired the Adams mine near Kirkland Lake. Our firm for the last three years has been working with municipalities in the north, the greater Toronto area and rail companies to develop a provincial waste management system for consideration. Our company has designated this system Rail Cycle North. The name accurately reflects the environmental benefits of rail, the commitment to the 3Rs and the economic partnership between the north and the south.

This morning I will attempt to address, as clearly and concisely as possible, the concerns of our company in many areas of northern Ontario and specifically the Kirkland Lake region in the Timiskaming district concerning Bill 143. These same concerns are shared by many others who have worked during these three years to provide alternative solutions to waste management in the greater Toronto area and develop a provincial partnership. You will hear from many of these during these hearings.

Specifically, our concerns are focused on part II of Bill 143, the restriction on movement of waste outside the greater Toronto area. This section of the bill, if passed in its current form, will have serious long-term repercussions on the citizens of the greater Toronto area, on the north, on the province and the existing environmental act. We believe this section of the bill is aimed specifically at the greater Toronto area and is unreasonable in its intent. Moreover, it may establish a serious precedent for other municipalities in the province.

I will provide a brief overview of the inconsistencies we see in this aspect of the legislation. Then I will provide a visual presentation on alternatives which this bill will eliminate if it is passed in its current form.

The Minister of Environment, in part I of this bill, has created the Interim Waste Authority Ltd with the responsibility to find new landfills for the greater Toronto area for a minimum of the next 20 years. Our concerns centre on the inconsistencies of the mandate which the IWA has been given by Mrs Grier regarding the current Environmental Assessment Act. These inconsistencies allow the the IWA to ignore potential alternatives which have already been established, specifically by Metro Toronto and the Kirkland Lake region in the north. These alternatives have the potential to be a superior environmental solution for the greater Toronto area, the north and the province as a whole.

The Interim Waste Authority is currently conducting site searches for new landfills within York/Metro and the regions of Durham and Peel. I have attended three of the first six public consultation meetings in York/Metro where documents prepared by the Interim Waste Authority outlining its mandate were distributed for public review. I believe the people are not hearing the real story about the impact of part II of Bill 143 and new landfills in the greater Toronto area.

My presentation today will ask you to evaluate whether the minister, by introducing part II of this bill, is providing wise management of the environment for the greater Toronto area and the province as it applies to the disposal of residual waste. I ask you to concentrate on residual waste.

The existing Environmental Assessment Act clearly states that an evaluation of reasonable alternatives is a fundamental part of its protection for the citizens of Ontario. Part II of Mrs Grier's legislation, which is before you, will change that protection. No alternatives to landfilling of residual waste in the greater Toronto area will be considered. The minister would ask you to substitute waste reduction and recycling as alternatives under her process. Waste reduction is not an alternative to the landfilling of residual waste, which is the waste generated after all of the 3Rs have been accomplished.

The mandate of the Interim Waste Authority is to find new landfills within the boundaries of the greater Toronto area. Clearly, the concern which I would like to address is: Why? Why is the movement of residual waste outside the greater Toronto boundaries eliminated from consideration in this bill? On what proven environmental principle is this legislation based, other than a personal philosophical position taken by the minister herself, and I must say early in her mandate.

I would like to provide a visual presentation which will show details of a reasonable alternative, one which will be eliminated under this bill. I would ask you to keep in mind during this presentation the following information:

1. No state or province in North America, that we can find, is trying to find environmental solutions for solid waste by limiting movement of waste within its own state or province.

2. We can find no metropolitan region of a similar size in North America which, if eliminating incineration, is establishing new landfills within urban areas like the greater Toronto area.

3. Part II of Bill 143 seems to be a contravention of NDP policy as noted in its document called Greening the Province, wherein it was stated in part IV relating to transportation:

"The rail corridors in Ontario, including those being vacated by VIA in the south, need to be integrated into an overall transit and development strategy that, on the one hand, moves people into and out of existing metropolitan cores more quickly and efficiently, and on the other hand facilitates economic development in rural areas of the province, especially northern Ontario."

4. The Rail Cycle North project, which you are about to review, received the support of 69% of the residents in Kirkland Lake in the recent municipal election. They want this project to be reviewed under the current environmental assessment process.

I would now like to go to my visual presentation. I believe, in watching the presentation, that the question period after is very important, so what I will try to do here is actually move through this a little quicker than perhaps I had planned. I believe they are going to dim the lights a little bit for this presentation.

1010

As I indicated, we gave it a name, Rail Cycle North, and what we would like to be able to do is substantiate to the committee and the minister that this is not an out-of-sight, out-of-mind project. It is not just a hole in the ground in northern Ontario. It is basically a waste management system for the province.

It is basically supported in the southern terminal by two major railways, the Canadian National and the Canadian Pacific. The city of Vaughan supports the initiative for Canadian National and Canadian Pacific for an intermodal yard. The existing rail infrastructure of the Ontario Northland Railway and Canadian National that has served northern Ontario and the mining industry in the north for the last 22 years, moving approximately two million pellets of iron ore a year to Hamilton, will be reused in the end at the other northern terminal.

I would like you to address the fact that this is not just a hole in the ground. I would like you to look at whether this site will have any impact on agriculture, tourism, new traffic patterns, etc. Clearly we could touch briefly on some slides that the Dofasco company showed the council in Kirkland Lake in 1986. In 1986, the Adams mine injected \$40 million into the local economy. Obviously, a major part of that was to pay the wages of the individuals, but clearly in northern Ontario, as in southern Ontario right now, we have industries closing that affect the entire region. That mine affected Sudbury to the tune of \$1.5 million in expenditures, and in fact in Timmins to the tune of \$1 million. Actually, the Sherman mine in Temagami closed

at the same time and you could double the impact on the northern area of northern Ontario because of that.

We all applaud the things you have heard from Drew Blackwell and the waste diversion office. There is no one in this province, I think, who disagrees with the minister's policies in those areas. But clearly that is a tremendous target, and in northern Ontario, as I will touch on at the end, we have problems in any of these diversion targets resulting in economic development.

This is a little bit of a complicated slide, but basically it looks at what our waste options are in Ontario. This bill ruled out incineration, which is the left part of the slide. The previous government had instituted, and the minister rightly gives Jim Bradley a lot of credit for, the recycling. This government is going to stress reduction of waste, and again, rightly so. It is the right way to go. But notwithstanding how well we do, if we meet those 50% targets, we are faced with a substantial amount of residual waste that has to be landfilled, whether it is in the GTA, northern Ontario or wherever.

The problem is Metro's garbage, and it is the Keele Valley landfill that is the focus of a lot of controversy. Clearly the Keele Valley landfill, as you have heard from ministry officials, is one of the largest, safest landfills in Canada. The problem, though, in siting landfills or new landfills within metropolitan areas is, notwithstanding how safe you can make the environmental aspects of collection of leaching, you cannot negate against suggesting at the Keele Valley landfill the 900 to 1,000 tractor-trailers and trucks a day that go by the homes of those people that are within a quarter of a mile.

This is another shot of the north end of the Keele Valley landfill. That cell is ready to be landfilled and we can see an industrial development right on the edge of the landfill. This is the reality of the Keele Valley landfill and the reality of the problem.

What will Bill 143 and new landfills in the greater Toronto area mean? Basically, the bill says those are the boundaries of the new landfills. This is the Keele Valley landfill in Durham, and as we heard from the mayor of Mississauga, she does not have a problem. But basically this bill says that if a safer site could be found right there, just outside those boundaries, it cannot be used. Never mind Kirkland Lake at this point in time; you cannot use that site. You arbitrarily have to use a site inside those boundaries, whether it is the safest site or not.

We have dealt extensively in the north with Metro Toronto. Clearly, the issue is Metro Toronto's garbage. Nobody wants it in the greater Toronto area and nobody wants it outside of the greater Toronto area. I agree with Rhonda Hustler yesterday, who we heard say that rural areas of northern Ontario or southern Ontario who do not want it do not have to take it.

But clearly, with the site search that is being directed now by the IWA, I think it may be safe to assume that Metro's garbage may go to York. There is a document, I believe, that York has available that I had an opportunity to view that basically says we have the Oak Ridges moraine running through the centre of York region. The sites that were looked at prior to the IWA taking it over long-term

were a site up here in King township, a permanent expansion at Keele Valley, and the other potential long-term sites are right here in the town of Markham. They are no further north out of the urban core area than Keele Valley is.

The Interim Waste Authority has given these numbers in terms of the waste generation for the York-Metro site search. They are saying that during the period to the year 2015, 76 million tonnes of waste will be generated. The waste reduction office has said that we will reduce 37 million tonnes of that. Metro Toronto is saying it will do better than that. But the critical thing about the IWA's mandate is it has to find a landfill for 39 million tonnes of residual waste. That is a landfill in York twice the size of Keele Valley. That is really what we are talking about here in terms of part II of the bill.

As I listened to Metro Toronto being castrated in many hearings—that had not found a solution, that it had not done their job—I did not agree with that. Metro Toronto basically, if you look at what its waste generation would be out of that total, less its diversion, needs a place for 30 million tonnes of solid waste. They had, over a two-year period, worked with the northern Ontario communities and had come to an agreement after eight months of tough negotiations; not that northern Ontario would take all of Metro's waste, but they entered into an agreement, signed a legal document that said they would take 1.5 million tonnes a year for 20 years, subject to the communities agreeing to take more. That works out to 30 million tonnes. Metro needed a capacity of 30 million tonnes. In essence, if this site was allowed to go through to an environmental assessment and was successful, there may be no need for Metro Toronto's garbage to go to York. I believe that Metro was working responsibly.

The second part of that agreement was that northern Ontario said it would not take their waste without a recycling component that goes with it. The agreement basically calls for 120,000 tonnes of product to be processed through a plant that is usable product in the north. It is said in many cases: "How can we ship product to northern Ontario? This is a ridiculous idea." If you look at the total tonnages involved, that figure over 20 years is only 2.4 million out of a total 28 million diversion. To me, that seems to be a small partnership contribution to sustainable development in northern Ontario to assist the 3Rs in the north.

Basically, if we have the system in place in southern Ontario, what are the opportunities? As I said at the outset, we are going to reuse the existing rail structure that serviced the north and the south for the last 20 years. How will that be done? The infrastructure in Metro Toronto is in place. Right now there are seven transfer stations where the garbage trucks transfer their garbage into tractor-trailers. You will hear in upcoming hearings from both major railways about the transition to the intermodal system, about railways across North America and the world that are using it to move solid waste.

I will briefly show you a system in the city of Seattle where, after five years of a site search, it opted to use its existing transfer stations, put its waste in containers and move it 330 miles to a landfill in the desert where it has a cooperative host community, and there is no impact on that

community's environment nor impact on Seattle's downtown urban core. These are slides that actually show that rail operation. You will be hearing much more detail on these from the railways specifically, both of the national railways, in upcoming hearings.

Here is a situation where that rail line does not go directly to the landfill and they have to offload the containers and move them by truck.

If you get to the northern end of the partnership, shall I call it, or the northern end of the waste management system, this is the Adams mine. There are 8,000 acres in question there. We are not at any point in time dumping garbage down mine shafts; you have heard that so often. We are specifically using open pits that were mined, as I call them, like an ice cream cone. They are not canyon mines, as I call them, like at the Sherman mine. There is a specific reason to use these to make them environmentally acceptable.

You heard from Northwatch. I hope to be questioned by the committee here extensively on the public consultation that has gone on, but basically that is where the property sits in conjunction with the three communities: Kirkland Lake, Larder Lake and Engelhart to the south. Our company went voluntarily to those three communities over three years ago and said: "This is what we would like to do. We would like to take this project to Metro. We'd like to introduce it. We would like you, who represent 93% of the population of that region, to negotiate independently with Metro Toronto on benefits and things that could happen." Those things happened over the last two years.

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I have probably \$7 million worth of engineering work here in front of me. Obviously, before Metro Toronto looked at this it did a hydrology study. They went on the property and they did a drilling program. They wanted to determine how good those rock walls were compared to those four-foot clay liners that are out at Keele Valley. Basically this drilling program was a preliminary one. The results of it are here.

The cores were extracted; it came back and said two basic things, that the impermeability factors of the rock walls were equivalent to the clay liners that are installed at Keele Valley, but here we have 300 or 400 or 1,000 feet of rock, and it substantiated what the mining company of Dofasco knew for many years, that because this mine was mined like a cone, all the water around it flows into the pit. They actually drilled holes to let the water in. First, from a layman's point of view, if they had to drill holes to let the water in, the impermeability factor is pretty good, and second, that pit has been not used for nine years, it is 600 feet deep, there is now 180 feet of water in it and it keeps rising every year. The environmental aspects, we believe, look excellent.

This is a cross-section of the Adams mine pit. In terms of environmental security, there is not one landfill in northern Ontario that has the same type of demanding environmental security southern Ontario has. The essence of environmental security in landfills is the containment of the leachate, the collection of it, moving it back out and treating it. There is no place in the north that has this type of environmental security. People have asked whether this will work.

The mining industry and the technology in Canada has this in operation. Basically this is a uranium mine in Rabbit Lake, Saskatchewan, that was mined to almost the same depth as the south pit. In 1985 they found other uranium deposits about nine kilometres away. They did another environmental assessment that said the safest place to put the tailings was not in new conventional tailings dams but back in the pit they had excavated because the walls were so impermeable.

Since 1985 they have been putting in tailings from the uranium operation, but Ontario mining technology went out there so that they could treat the water. They put a drift out from the bottom. They intersected it with a raise or shaft. There are three pumps in there. Since 1985 they have been pumping the water back out, putting it in a pipeline to the mill and treating it before it goes into the environment. I am not saying that is the exact design, but I am saying that the technology to do these things is Canadian technology.

Kirkland Lake and the north and our company have never said the garbage should come to the north without a full environmental assessment—not an EPA approval, not an interim approval; we did not want to be an interim solution. We feel the site, going through a full environmental assessment and measured up against any options in the greater Toronto area, has a possibility to be successful. It has things that will take millions and millions of dollars and years to put in place in the greater Toronto area.

The rail transportation is in place today. There is hydro, there are buildings, there is industrial capacity on that site. The Interim Waste Authority mandate is for a minimum of 20 million tonnes. The minimum on that site is 25 million, and I am sure the capacity could go to 40 million. There would be no impact on those communities. We need a full environmental assessment to prove that. This is all anybody is asking for up there.

Metro Toronto recently went through a mini-environmental assessment to find enough clay in York region to environmentally and safely close its landfill. My understanding is they were defeated by the Environmental Assessment Board after about a \$3-million expenditure. On that site we had one drill hole go through 362 feet of clay before it hit bedrock. All the things it needs to create environmentally acceptable landfill sites are in place.

Our company made a commitment to the community that there would be no landfill operation without a recycling component and sustainable development that went with it. That is in our purchase and sale agreements with Dofasco and it was followed through in the agreements with Metro. Why is this? Because the north feels it wants to be part of waste management solutions. The north has no chance to be part of these solutions right now, because we have only 800,000 people in all of northern Ontario: We can divert, blue-box our brains out, but we cannot generate enough tonnage to create one secondary job.

The essence of the Metro agreements was a shared agreement. We have an asset the south does not have, and you have assets we cannot generate. It is all predicated on the use of rail and the environmental acceptability of it.

The minister indicated it would be unconscionable to ship garbage to northern Ontario, yet, as we all know and

have heard many times, garbage from Toronto is going across the border to New York state and Ohio, far greater distances than the 365 miles by rail to Kirkland Lake. We have heard that many communities in the province have solid waste problems and, using a provincial intermodal rail system, there may be opportunities to access this system. The city of North Bay cannot find a landfill and has applied for its third emergency extension. The Ontario Northland Railway is based in North Bay.

Everything that was developed between Metro and the communities was full public disclosure. There was a statement of principles developed and passed by Metro council and all the communities. About six months later the definitive agreements were put in place and there was nothing done in the north behind closed doors or in Metropolitan Toronto. Metro committed to build one of its plants in the north. If you look at Metro Toronto's new waste management strategy, its total capital expenditure for everything is \$650 million. This is not a big, big consideration, but this is a partnership that I think we have been trying to develop.

In my presentations, which I have done 170-some times, I stress the environmental aspects. I do not spend a lot of time on the jobs, but clearly the jobs are important at this point in time in northern Ontario.

Rail Cycle North: What is it then? It is a connotation that basically represents a lot of things. We have an intermodal site available at this end in Toronto and we can show documentation that every other major urban area in North America is looking at the use of rail. We basically could reduce truck traffic in York region. There would be no capital expenditure for new roads in the greater Toronto area for this particular site and the use of it. No new landfills may be required. It is possible that the north may discuss with York and Metro to expand that total to around two million. If that was a fact, we could take York's garbage north.

There have been suggestions here that basically this would be a private sector operation. Personally, I believe that this fits the philosophy of the existing government better than anything that could come forth, because we are going to use a provincial crown corporation, the site will be owned by Metro Toronto or the Interim Waste Authority, and the only place that there would be private sector involvement would be to get the solid waste from Metro to North Bay. In that situation there will be a competitive tender between the two major national railways to get it there. What better system can we have that incorporates all of those things?

Again, I do not believe this is a hole in the ground. I do not believe that the north is oppressed. I know you will hear from the north later in the hearings. What I do believe is the reality of this situation, that this is something that has been developed over two and a half years with cooperation. It has developed partnerships. There is innovation in technology here and there is some vision, long term, for this province in waste management.

That ends my slide presentation. I will just summarize my comments here before questions.

In summary, I would like to refer to the comments made by the Minister of the Environment at the conclusion of the debate on Bill 143 on December 10. She stated, "We

heard very little about the fact that the section of the bill dealing with a search for long-term sites within the greater Toronto area provides that this search will take place in accordance with the Environmental Assessment Act." Clearly this is not the case, as Bill 143 will change the intent of the act and refuses the evaluation of alternatives to new landfills within the greater Toronto area, an historical part of the Environmental Assessment Act.

Mrs Grier goes on to state, "The decision not to haul the GTA garbage to Kirkland Lake...is an environmental decision." How can that be? Rail Cycle North may in fact be an alternative that is a far superior solution for the environment and the minister is refusing to allow the evaluation of this option.

Finally, the minister has stated: "Those decisions have to be taken for the sake of the people and the economy of the greater Toronto area. They have to be taken for the environment of the greater Toronto area, nay, for the environment of the province, and as some members have said, for the future of this province and the children of this province." Again, I do not believe this statement can be based on fact. The fact is that the children of this province in the north or the south and the economy of the province are not being served by what may be a nearsighted attempt to jam residual waste down the throats of the citizens of the greater Toronto area without evaluating alternatives that other communities in North America have proven to be acceptable.

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The minister has stated to the mayor of Kirkland Lake, "Why don't you do your own environmental assessment?" At a time when Metro and the province have an option on the site, it is difficult to understand the minister's reasoning when she dictates in this bill that Kirkland Lake will not be evaluated. However, all parties to this waste management system believe it deserves to be evaluated. We believe the minister's policy in part II of the bill is a regressive step. We are therefore investigating the submission of an application for the greater Toronto area solid waste outside the Interim Waste Authority site search. We will do it if necessary; however, it is a colossal waste of money.

Additionally, we are committed to informing the residents of the greater Toronto area, just as we have done with the residents of northern Ontario, that an environmental alternative to new landfills in the York-Metro region or the GTA has been developed. People in the greater Toronto region should be advised that Metro and other GTA members have done a good job prior to this legislation. They should know that the railways are an environmental solution currently being used around the world and that a provincial partnership is in place between the north and the south that can maximize our assets for the mutual benefit of all the citizens in the province. In February we will be starting public meetings throughout the greater Toronto area in conjunction with the Canadian national railways and with the full support of the northern communities.

We must also make it very clear: Northern Ontario and the Kirkland Lake region are not looking for handouts. We will not take waste without the economic benefits of recycling as outlined in the Metro agreements. We have been

challenged by the Minister of Northern Development and Mines, Miss Martel, in northern Ontario to find our own solutions for economic recovery. Solid waste management and recycling is one of the fastest-growing industries in the world. The north wants to explore these opportunities in partnership with Metro and the greater Toronto area. Mrs Grier, with part II of Bill 143, will deny this opportunity.

My heart goes out to Miss Martel because with all the problems we have had, mine closures and whatever, she has probably one of the toughest jobs of any of the ministers of the government. However, it is extremely distressing that Miss Martel, the minister responsible for the Ontario Northland Railway and northern development, supports Mrs Grier's policy and refuses to discuss Rail Cycle North, I believe to the detriment of the citizens of northern Ontario.

Finally, during the last provincial election campaign Bob Rae stopped at the Adams mine and made the following statement: "Today, we are in front of the closed Adams mine. Here, 325 workers used to produce iron ore for Dofasco, Canada's largest steelmaker. Company officials in southern Ontario decided to shut down the mine. The Adams mine was Kirkland Lake's largest employer. Its closure on March 31, 1990, was devastating—the equivalent of losing 70,000 jobs in Metro Toronto." The Premier finished his comments with this statement: "Time and again, the Liberals have ignored the needs of the people and chosen the side of their corporate friends in southern Ontario. New Democrats have chosen sides too—and we say it's time the people in the north called the shots."

Madam Chair, through part II of Bill 143, the Premier, the Minister of the Environment and the Minister of Northern Development and Mines are refusing to consider the north, let alone having them call the shots.

During the next few weeks of your hearings we will be working with the northern communities, with the railways, with the greater Toronto area and hopefully with the committee to propose an amendment for the committee which will allow the evaluation of this alternative for the overall betterment of the province.

Sustainable development, economic opportunities, new job creation and the evaluation of environmental alternatives must be part of responsible environmental legislation. The government must review this bill. It must listen to realistic and detailed alternatives which will reflect the realities of the 1990s and beyond. We trust the government at the conclusion of these hearings would be prepared to amend part II. Thank you very much.

The Chair: Thank you for your presentation.

Mr McClelland: Mr McGuinty, let's start where you have finished. The economy of northern Ontario—I understand you might be able to confirm it, you are very much in touch with what is happening there. In the first quarter of this year, 1992, 1,200 individuals will be put on the social support system of municipalities in and around your region, is that correct? As a result of layoffs people are running out of UI benefits, and in the first quarter of 1992 approximately 1,200 people will be the recipients of municipally funded benefits.

Mr McGuinty: I do not have the specific number but I would concur, with the time I spend in the Kirkland Lake region in northern Ontario, that clearly the job loss is extensive. The most important problem we have in northern Ontario right now is that we do not have any new opportunities. The traditional jobs we are losing in northern Ontario are the skilled machinists, the heavy equipment operators, the electricians. There are some from Kapuskasing, Kirkland Lake and whatever. We have no new opportunities in northern Ontario. The problem I see in northern Ontario is, what are we going to do in the future to correct some of the things you are saying? I think it is a very difficult problem in northern Ontario and I do not see anybody coming with the answers at this point in time.

Mr McClelland: Bearing in mind that you are looking at anywhere in the range of 50% to 60% unemployment in some communities in the north, what kind of technical data or factual basis has the minister presented to you for ruling out even the consideration of or looking at the option you presented today? Were you consulted with respect to Bill 41? Were you consulted in any way in terms of the decision made to rule out without giving due consideration? Were you given any kind of consideration or consultation at all prior to the minister stating, as a matter of ideology, "I'm sorry, we're not looking at this"?

Mr McGuinty: To be very honest, and with all due respect to the minister, I think the thing that catalysed support for this project throughout northern Ontario and from across the province was when the minister announced in the House that she felt it was unconscionable to ship garbage to northern Ontario. I know that she, in a telephone conversation to the three mayors, basically told them she did not want to discuss this with them.

I know that during the formation of that policy there were three groups from my region of Kirkland Lake invited to two meetings to discuss this movement. Community groups in the north wrote to the minister, tried to be part of those discussions and were denied access. In fact, all that is being asked for by one community group that is not for bringing garbage to northern Ontario, Dr Duncan's fact group, is an opportunity to have it reviewed. I understand they now have a file opened with the Office of the Ombudsman and a letter has been written to the minister on why they were not included in the discussions.

From our point of view I will say only that we have not had direct access. I will say, though, that the Attorney General, Mr Hampton, and Mr Wildman did invite me down a couple of months ago to make my presentation, but as for any direct access into her decisions, no, I do not think there was any.

Mr McClelland: I find it interesting that a government which prided itself and stated with great fanfare that it was open and accessible and a government of and for the people would not even give you a hearing. It is at least a common courtesy.

I want to talk in terms of fairness. The government as well has talked about being fair. Are you aware that within a very few weeks of the minister making her announcement prohibiting the shipment of waste from Toronto to

Kirkland Lake, saying, "I'm not going to consider it," she agreed to allow Kingston and Storrington to ship into Ottawa? That happened in a very close time frame in terms of proximity. I wonder what your feeling is in terms of the fairness of that and the equity, if you will, the reasonableness of that taking place at the same time the minister is saying within this bill, "You can't do it, but I'm going to reserve unto myself the authority to order one municipality to send to another municipality for up to five years." How do you reconcile in your mind the fact that you were told, "No, we won't do it," and within weeks another community was told, "You will do it," and the minister said at the same time, "I'm reserving the right to do it"? How does that wash with you in terms of logic, consistency and fairness?

Mr McGuinty: As I said in my presentation, I think the minister's statement about not moving waste to Kirkland Lake or wherever was made very early in her mandate. My concern with the government and the minister is that during the last year or so we have not had at least a chance to discuss things like rail transportation, etc. Specifically, I think the Kingston situation reflects the realities of what is happening with waste management in the province of Ontario. The not definitive research our company and the rail companies have done sees a tremendous growing trend to the movement of residual waste and things outside urban cores. We see that as a reality.

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I think the Kingston situation reflects realities—depending on its problem, and I am not totally aware of that, although we did hear the mayor, who is the head of AMO, talk to it briefly. I think centralized facilities are going to be the way of the future. I do not think small landfills that are going to help this little area and put a million tonnes here is the way of the future in waste management, as our research indicates.

In my written submission to you there is an excellent article on rail haul that was researched in the December issue of *Waste Age* magazine. It itemizes all the regions and communities in North America that are looking at this as an option. Los Angeles, California, is an example. The two major systems they are looking at to solve their problem by 1995 are rail haul systems. I happened to be speaking on Monday on part of my research. It may be a prejudiced comment, because they manufacture intermodal containers. I asked this gentleman, "Where do you see the movement of waste 10 years from today outside urban cores?" He said that basic residual waste would be moved by rail anywhere from 400 to 1,000 miles away. I have a study from New York City that shows very clearly that this is its only option. I have some difficulty understanding why Metro Toronto and the GTA, which is the largest metropolitan region in Canada, is not at least open to the evaluation of this as an environmental benefit.

Mr Martin: I want to start by complimenting you, Mr McGuinty, on a wonderful presentation and also on the extensive work you have done in preparing this proposal. It is nice to see you again. You did in fact present to me in my office some time ago the same proposal, which I in turn carried to my colleagues in government.

After having said that, I want to begin by saying I think it is untrue to say that Ruth Grier alone made the decision not to ship garbage into the north. Ruth Grier in consultation with her colleagues, and there are 10 of us out of northern Ontario, decided that the people we represent did not want philosophically to become the garbage dump for Metro or southern Ontario. We still feel very strongly about that.

In spite of the excellent argument you present for this particular proposal, we see it as setting a very compelling precedent for the proliferation of this kind of operation without the work being done that you have obviously done here, which could become a problem for us, because historically the south has not been all that sensitive to some of the things we felt we needed to do in the north to really develop our industry. Added value to the resources we extract from the ground and the environment of northern Ontario is usually sent down here in bulk to be manufactured and to create wealth, which actually has produced the garbage that is now creating a problem in the south. I guess there is nothing to date to convince us that this would not be the case in this instance.

Having said that, however, I am very interested in any industrial potential that this may have for northern Ontario and am more than willing, as I said when we met in my office, to entertain discussion in that direction. One of the people who presented here, I think it was yesterday, talked about anything that we might do, in the way of recycling particularly, being economically viable. I suggest to you that in your proposal there is a heavy emphasis on government involvement, through government-owned facilities, etc, to do the recycling piece of this action. As it becomes less and less economically viable, perhaps—this was a suggestion by those who come out of the private sector to do a whole lot of recycling—then it becomes easier and easier to just say: "We're already dumping garbage in there. We might as well dump a bit more." That concerns me.

To shed a wee bit of light on this whole thing, the Northwatch group that came here the other day answered a question I asked regarding participating in some partnership around this question and looking at this as an industrial venture that would create some wealth for the north and fit in with the resource extraction industry we are already involved in up there in a big way. I asked if there was some potential to look at it in that light. For those of us who live and work and breathe, as you do, in northern Ontario and have children and hope they will do the same, we would want to discuss that a bit further.

Having said all that, perhaps I might invite some response.

Mr McGuinty: First, I totally agree that the first member of the government who had the time and courtesy to meet with us was Mr Martin. Early on, he suggested we put a brief together for the northern caucus, which we did, but it did not seem to go anywhere.

In regard to your statements, I think we have to deal with the realistic realities of recycling opportunities in the north. It took two years to negotiate an agreement, and I disagree with your statement that just because this system got going, it is going to open the door to more. There are

definitive agreements that were worked out with the best legal advice the north could find down here on Bay Street, and those are firm agreements. They cannot be broken unless the north agrees.

Unless the government wants to finance it, unless the greater Toronto area wants to pay for it, there is no possible way anybody is going to send recyclable products to northern Ontario unless there is a compensating benefit. There is no possible way that is going to happen.

In North Bay, as in Sault Ste Marie and Sudbury, we are blue-boxing, we are recycling. We have trucks driving around that say, "North Bay recycles." Well, North Bay does not recycle; North Bay diverts from landfill. We package it up and ship it down here to be either remanufactured or have something done. So I do not think what you are saying, in the reality of today's environment and economics—Mr Wiseman clearly says we need to supply markets, which we agree with. Nobody is going to ship product to northern Ontario just for the good of northern Ontario's health.

I disagree with you also, with all due respect, in terms of the statement that northern Ontario does not want to be Toronto's garbage dump. The council in Sault Ste Marie passed a resolution on June 9, 1991, that basically states it "lends full support to the Northeastern Ontario Municipalities Action Group, the Notre Development Corp and the towns of Kirkland Lake, Englehart and Larder Lake in the establishment of recycling and solid waste disposal facilities at the Adams mine site providing all environmental concerns are satisfied."

In the last two years, the Federation of Northern Ontario Mayors and Reeves has supported this project. They support the evaluation of it. Nobody supports bringing it in unless it is environmentally acceptable. Also, there is the Highway 11 North Mayors' Action Committee. I can supply your party with all the northern Ontario communities that are supporting this. So when you say the north does not support it, I have some difficulty on where the data comes from.

I happened to hear some comments from the Northwatch organization. I think we have to understand something. As a proponent of a new project, there are two things you can do. First, you can come out, do your studies, whatever, submit them to the government and not talk to the people. If you do that, you are accused of hiding something. Or you can go to the people, speak to them, talk to them and explain it. If you do that, in some cases some people are saying you are out there trying to sell it.

Our company opted to continue to talk to the people. We spoke to over 5,000 people in over 170 presentations in hospitals, schools and people's homes. We think we have in northern Ontario, which was reflected by that referendum, an informed, adequate constituency. I have absolutely no doubt, Mr Martin, if I take that message to your community or Sudbury or Timmins, the support will be the same from northern Ontario to have this evaluated.

1050

Mr Carr: Having done 170 presentations, I can understand why you do such a fine job, and I want to compliment you on it. I was interested in your statements on Bob

Rae's comments when he was up there. As I was sitting here, I was reflecting that it is small wonder people get a little cynical about politicians when they say one thing at one point and then another thing later on.

I was interested in the last point you touched on, the perceptions in the community. You mentioned the 69%. I guess you have met with the 5,000 people. What are the reasons people are saying they want this? I understand all the circumstances you have done, the tremendous studies. I look at that and see the minister nevertheless saying, "We won't do it, because regions have to look after their own garbage." People from other jurisdictions must be looking at us and saying: "No wonder you're in such a crisis up there in Ontario. If this is how you handle the waste decisions, no wonder you have an economy the way it is."

What are the people up there saying the reasons are they would like to proceed with this particular venture?

Mr McGuinty: My response to that is a continuation of the fact that people need to be informed. "Solid waste management" are not bad words. "Garbage" is not a bad word. Garbage beside your home, in a new landfill in an urban area—that is probably a bad word. But in essence, making a facility like this safe, if you take traditional industries—I will use northern Ontario: If we were going to bring a new pulp and paper mill to northern Ontario and we were going to bring a new gold mine or we were going to bring a solid waste management facility and you had to analyse the impact on the environment on a scale of 1 to 10, I am sure the effluents from the pulp and paper mill might be a 9 and the gold mine and the acid tailings might be a 5. What might the potential impact on the environment in northern Ontario of a solid waste management system be, a 1?

What we have done is to have taken the initiative to go out and speak to people about this. This is a very abbreviated visual presentation of what I normally do in terms of slides and detail. All we have is an informed community. I do not think what I have done is any different from what anybody else wants to do if they want to take the time and the effort and go and meet the people and talk to them about it.

That is the result of it. Nobody in Kirkland Lake region is running out and saying, "We want the garbage." I repeat that. They are only saying, "Let's let the environmental assessment take place." If there are things that are unearthed that make people nervous and it is not successful, as long as the public consultation and the details can take place, what is wrong with that? That is our process. Why is that being cut off when around the world rail and situations like this are a growth industry?

Mr Carr: Do I still have time?

The Chair: You do.

Mr Carr: Be careful, my boss is here. Maybe he is checking up on me.

The second question relates to Toronto. We will hear this afternoon from the people in York region and Metropolitan Toronto. You refer to the studies there, millions of dollars worth of studies that have been done. We have heard about how the people of the north feel about the project. What is your sense of the people, in particular the

people in Metro and very particularly in York? What is their perception? You had some letters from people, I guess it was Sault Ste Marie, that you read out to Mr Martin. What are the people of York and Metro saying and what are their councils saying?

Mr McGuinty: I think it is very clear that Metro Toronto supported this, because it did all the work and spent approximately \$3 million in studies to get the answers.

Perhaps as an aside to your question, as I said earlier in my presentation, I went to three of the six site search meetings where the IWA document was introduced and we broke up into workshop groups. I found it very rewarding, because the ordinary people of Toronto did not understand. They heard about Kirkland Lake, etc. So I took the time in the workshop to explain: "Here's what the situation is. Here's what the agreement says. The north does not want your garbage without a recycling component that goes with it. Yes, you have to send us some recyclables."

But one of the interesting things is that I would say 99% of the people in the greater Toronto area do not know the province owns a railway. They did not know that the province owns and manages the Ontario Northland Railway as a crown corporation. When I explained that some of the revenues were going to go to ensure that our own railway remains economically viable—you can see in my presentation where the president of the railway has indicated that he has some big problems—I found it very rewarding that the ordinary people in the greater Toronto area looked at that and said, "Jeez, this makes sense."

To finish with your question, I think what has happened since is that obviously the Interim Waste Authority and the minister have taken this over and taken the responsibility from Metro Toronto's hands. Again, I have only summarized that question to say that I do not think Metro Toronto has been given the due it deserves for the work and the time and the effort it spent. Allan Tonks, Joan King, the people from Metro have been to Kirkland Lake a number of times.

I know my time is running short, but the story I like the best is that we were up there having lunch, all the economic development officers and the mayors were there, and somebody said to the chairman of Metro Toronto, "Mr Tonks, I know you're looking at other options," and whatever, and he said, "Yes, obviously we are, but this is the only place we can go and have lunch."

Mr Carr: As you know, the Ministry of the Environment has put together what it calls Quick Facts. It was attached to your submission.

The Chair: You have one minute.

Mr Carr: They put together Quick Facts. If you could very quickly give us an answer on what you would say to that particular piece, were some of the things you disagree with in there?

Mr McGuinty: We have distributed today a release, not to counter the minister or cause the minister any grief or any of those things at all, but clearly the specific things the minister said in terms of Quick Facts about moving garbage to sites outside the greater Toronto area are erroneous. We pointed out some things.

First, this will be a public system. It will be owned by the Ontario government, the Ontario Northland Railway, by Metro Toronto or the province. This is something I think is important for people to find out. This fits the philosophy, I believe, of the NDP government on public ownership.

I think what we want to try to do is work out with the minister a system of information or whatever we can in the next couple of months to try to accommodate something she might find acceptable with an amendment to part II.

Mr Wiseman: My question is slightly different. If there is to be an environmental assessment hearing on the Adams mine site, as you request, all locations in Ontario would have to be put back on the table as alternatives to be evaluated. This would include Lambton, Marmora, Plympton, Ajax, Pickering and many other sites, like Cayuga and so on, which means that everything would be back on the table. This would basically reconstitute the Solid Waste Interim Steering Committee process, which I can tell you has little or zero credibility in my community.

I just have a great deal of difficulty in opening up this process again to the transportation of Metropolitan Toronto's waste when I have fought for so long to prevent that from happening. How do you think the citizens in those communities—I can tell you how they will react in Pickering and Ajax—would feel about having all those sites and all the problems put back on the table and going through all the turmoil Rhonda Hustler described to us yesterday?

Mr McGuinty: I think that is an excellent question, Mr Wiseman. I indicated earlier that I agree with Rhonda Hustler, that there should not be any place in Ontario that has to take Metro Toronto's garbage or the GTA garbage unless it is willing to, unless it is prepared to have first an environmental assessment. I agree with Ms Hustler that probably garbage from Metro down on farm land in London is a ridiculous idea, but clearly, in opening up the process, this bill is not law yet and an amendment can be clearly directed that it would have to include a cooperative host community, and there would have to be some discussion on how that is, but I do not think we should rule out the opportunity to investigate this.

I agree with you. We should not open it up the way we did before. We should not cause that same type of controversy, but this option to be evaluated is not going to cause that controversy, as you are going to hear from Kirkland Lake in the hearings in the future. We have two years' work done with a cooperative region. I do not think you should open it up the way you did before, but I think there should be something in this Legislation, as you have heard before here, that does not restrict all options in the future.

I will give my best example, and we have my member here. The city of North Bay has been looking for a landfill for five years. North Bay is I think the second-largest geographical municipality or city in Ontario. Do you know where we are? We are 14 miles up Highway 11 north. We are not in the city of North Bay. We are not even in the district of Nipissing. We are in Timiskaming, on crown land; we are going to put a landfill in with attenuation and no liners.

Mrs Grier is going to pass a bill that sets a serious precedent. What you are saying is that North Bay could

not go and make a deal with Sturgeon Falls. I agree that we should not open it up the way we did before, but the bill should have provision to allow things like voluntary negotiations between municipalities that got on; nobody held a gun to anybody's head.

1100

The Chair: What I am going to allow now is for members to put questions on the record. If there is time, there will be an opportunity for Mr McGuinty to sum up; if not, we will ask that he submit his answers in writing.

Mr Wiseman: I would like you to define "willing host," in the sense that Pickering and Ajax were unwilling hosts but the region of Durham, which makes the policy for waste management for all the municipalities, was a willing host. Therefore I would like you to define "willing host."

The Chair: Mrs Mathysen?

Mrs Mathysen: Thank you, Mr McGuinty, for a very polished presentation. A referendum was placed on the ballot in the Kirkland Lake election in November. Basically it said, "Are you in favour of a full environmental assessment of the Adams mine solid waste disposal and recycling project?" That says nothing about taking Metro garbage, and it seems like a yes-yes referendum. In other words, if the citizen wants Metro garbage, that citizen is going to vote yes. If the citizen opposes Metro garbage and wants a full environmental assessment, that citizen is going to vote yes. We know there has been opposition, groups like Northwatch—

The Chair: Question, Mrs Mathysen.

Mrs Mathysen: How can you be so sure that you have the full support of northern communities, as you have suggested in your brief? How do you know that?

Mr Lessard: It is too bad we have run out of time here today, because this has been an enjoyable presentation and question period.

In your presentation you said that you agree with the minister's waste diversion targets. You have also said that reduction is the way to go, and I am getting from your presentation that what you are providing to the GTA is an economical way of dealing with the waste management crisis in this area. You have also made some comments about public ownership, but I think it is clear in my mind that the public ownership ends at the pit.

The Chair: Question, Mr Lessard.

Mr Lessard: I would like to know what incentives there would be for reduction to take place, given this economic alternative you have presented to landfill.

Mr Martin: I would like to ask Mr McGuinty, who represents a private corporation here, Notre Development, to maybe put on the record for us some of the financial details around his particular corporation and how it stands to gain in this, or how that comes together. Also, I would like you to put on the record the cost to Metropolitan Toronto, the cost to CP and CN, the cost to Ontario Northland Railway and the subsequent gain there that you claim will come from this project, so we can look at it and assess it for ourselves.

Mr Carr: One of mine was along the same lines: what Metro sees as the total saving, not just the overall cost, if that could somehow be done; I am sure it could be taken out of those reports.

Also, you probably have had many dealings with the Northwatch group. I just wondered if you could talk about some of the things they are saying, what your perception of that group is. Where they may in your estimation be wrong would be very helpful.

Mr McClelland: I have a couple questions for the ministry. I would like to have put on the record for the committee any data, technical analysis or studies that were done by the ministry staff to substantiate ruling out options such as Kirkland Lake—I use that in generic terms—or a statement to the effect, if it is the case, that there were no such studies done. Likewise I would like any studies, data, technical analysis or evaluation done with respect to the decision made to allow Kingston, Stormont and area waste to be sent to Ottawa, or, if in the alternative nothing of that sort was done, a letter to the effect that none of those studies were done.

I would also like to have from the ministry any comparable analysis or a summary of whether there is any comparable jurisdiction anywhere in North America where there is a possibility to have volume and proximity of two landfill sites located in an area comparable to York; and any analysis that might have been done by Treasury in terms of the economic impact the present policy might have in terms of economic development, specifically in waste management but generally to the economy in terms of messages that is sending to the business community elsewhere in North America; and any analysis done by the Treasury in terms of environmental policy impact on the position internationally, indeed, of Ontario as a result.

Mrs Fawcett: Could I just add Northumberland to that list, because I believe Northumberland's garbage was also being trucked to Ottawa.

The Chair: I realize that people watching these hearings are going to wonder how you are going to answer all those questions today. We know that is not possible. The clerk will provide you with a list of the questions the committee would appreciate your responding to in writing. Anyone who would like to communicate with the committee can do so through the course of our hearings and deliberations right through clause-by-clause. Anything that is received by February 14 becomes part of the public record. If it is received after February 14, it is available for members of the committee to consider during their work.

I would like to thank you very much for coming to the committee today. We have one minute left, if you would like to make a final comment, Mr McGuinty.

Mr McGuinty: Obviously I would like to thank the government for deciding to have the hearings. I would also just like to summarize to say that our company at no point in time wants to deal with this in a confrontational manner. We believe it has long-term opportunities for the north and the south; we are a northern company. I look forward to responding to the questions you have put on record to give you more data. Again, I hope to continue to work with the

committee over the next few months and the next few years in waste management.

The Chair: Thank you for your presentation today. I will call next Work on Waste USA. I believe it is going to take about five minutes for them to set up their presentation, so the committee will recess for five minutes to allow that to occur.

The committee recessed at 1107.

1112

WORK ON WASTE USA

The Chair: The standing committee on social development is now in session. Our next presentation is from Work on Waste USA. You have one hour for your presentation. I would ask if you would begin by introducing yourself. We would appreciate it if you would leave as much time as possible for questions from the committee. Please begin your presentation now.

Dr Connett: My name is Paul Connett. I teach chemistry at St Lawrence University in Canton, New York. I have been doing that for the last nine years. For the last seven years I have been very much involved with the waste issue. In that time I have given over 700 presentations in 46 states in the United States, four provinces in Canada, and 13 different countries. Most of those presentations do not involve any kind of fee. Some do, but very few.

The first thing I would like to do is to address the fact that you were given a copy of an outrageous 45-minute videotape, together with some documents from a local newspaper where I live. This apparently was distributed by Mr R.M. Bremner, PE, who I understand is a former commissioner of public works in the city of Toronto. He currently works for a consulting firm and one of his clients is Ogden Martin Systems, a major incinerator builder.

I do not know where Mr Bremner gets his confidence to do something like this. I do not know the man. I do not think he knows me. I do not think he knows what I have been saying, what I have been doing, over the past seven years, yet he has felt confident enough to distribute this attack on my credibility. I hope his confidence will not evaporate, because I would like to debate Mr Bremner in Toronto, at a time of mutual choosing, to see if he can retain that confidence when we are together, one on one, to debate this waste issue.

I do not want to take too much time away from what you really want to hear but, just to point out, in this document there is a letter from Dr Samuel Chaulfont called Sound and Fury, attacking some of the things I was saying in St Lawrence county. You might be interested to know that Dr Samuel Chaulfont does not exist. This is an invented name. We had a great deal of trouble trying to track down this man. This is the calibre of the kind of information.

Basically what I have done, I believe, on this issue of waste, or attempted to do, is to bring common sense, basic chemical principles, a concern not only for local communities but planet Earth. I cannot be bought, I do not lie and, quite frankly, if that is a threat to the incinerator industry, I believe it says more about the incinerator industry than it does about me, if it is frightened of common sense, basic

chemical principles, about someone who cannot be bought, does not lie and cares about communities, not only his own but across the world.

Enough about that. I would be happy to answer any questions you might have on that videotape and at some time in the future. When I get time, I will write out a point-by-point rebuttal.

Please excuse me. I got back from Europe after a three-week tour of Ireland, Spain, Northern Ireland and England on Sunday evening and I have my first class of the new semester on Monday, so it has been a bit of a rush. I do not have what I have to say to you in writing, but I will undertake to get copies of any transparencies I showed this morning to you in a few days.

The Chair: It is not necessary to have presentations in writing. Everything you say is being recorded by what we call Hansard and is available for the public and becomes part of the public record.

Dr Connett: In that case, maybe what I should do, then, is to look carefully at the transparencies and where there are diagrams and schematics that might be useful too.

The Chair: That would be helpful. Thank you.

Dr Connett: I am very happy to be in Ontario, and I am very happy to say that I believe this government is pioneering roads that other people talk about. Other people talk about moving from a consumer society to a conserver society, but it is all talk. Here you are really trying to do it. I applaud Ruth Grier and what she is trying to do with this policy. I have great pleasure going to other countries and talking about this ban on incineration. You are the first government that has an outright ban on trash incineration, and that in itself has had an influence in other countries.

What I have learned in this business is that it is very important to ask the right questions, because if you ask the wrong questions, you are going to get the wrong answers no matter how clever the person is whom you ask. I would like to illustrate this point with the first slide. Imagine you come home to your apartment and find an overflowing bathtub. You grab hold of a mug to try to empty that bathtub. That does not do it fast enough, so you go to a bucket. Then that does not do it fast enough and you go to a foot pump. Then you go to better available control technology: You go to an electric pump, which you probably power with a nuclear power station, all in an effort to empty this bathtub.

That is what a back-end thinker would do, working at the back end of the problem. A front-end thinker, I believe, would first switch off the tap. I believe that is what we mean by going from a consumer society to a conserver society, to go from the back end of the problem to the front end of the problem.

We have just heard a prehistoric presentation, essentially, from a back-end thinker, where we are still pursuing the notion that somewhere there is a place, somewhere there is a hole that can take our waste. Wrong question: Where to put the waste? Right question: How to unmake waste? There is no hole in the ground, there is no machine with a hole in it, there is no place for waste. As long as we pursue that, we are going backwards to the 19th century instead of forward to the 21st century.

I think Einstein said it before Greenpeace: "A clever person solves a problem; a wise person avoids it." It is not going to be an overnight thing, but I think the key thing is to move in the right direction.

Where did this front end of the problem come from? It might make us a little surprised in 1992 to think that anybody said this, but they did, in 1955: "We need things consumed, worn out, burned up, discarded, at an ever-increasing pace." That is from the *Journal of Retailing*, spring 1955, in America. It is not surprising with that kind of attitude that we have a trash crisis in 1992.

But do not think these people have disappeared. The production of the squeezable ketchup bottle—and it is hard to imagine a happy life without a squeezable ketchup bottle—is expected to grow from 300 million units in 1985 to 29 billion units in 1995. Why? Because we are all going to the supermarket saying, "Please give us squeezable ketchup bottles," or because the petrochemical industry wants to make the plastics which go into squeezable ketchup bottles and will persuade us with sophisticated advertising on TV that we really need these things?

But I think the people are catching up, and I suspect that people caught up long before some of our leaders. They have caught up to the fact that when you look into a trash bag it is not just the plastic squeezable ketchup bottle and the glass and metal we are throwing away, we are actually throwing a whole planet away. One of the reasons I get so excited about trash is that I believe for the ordinary person the trash crisis is our most concrete connection to the global crisis.

1120

At the moment we are all part of the problem, but with the right leadership—and I think you are getting the right leadership here—we could all be part of the solution. There is no question that Toronto has already taken some very good first steps, and I would like to discuss some more steps which I think would alleviate some of the aspects of the landfilling at the end.

I believe that the trash crisis and global warming have the same root, namely, overconsumption. I believe that essentially we are living as if we had another planet to go to. Incineration might make sense if we had another planet to go to. Filling mines in the north of Ontario might make sense if we had another planet to go to. But this is our only planet. The resources we are talking about are finite resources.

For a long time we have been sleepwalking on this, but with the global warming and the hole in the ozone layer and some of the other huge global environmental problems, many of us are waking up, and one of the first things we recognize is that we just cannot sustain a throwaway society on a finite planet. That is another way of saying we have got to move from a consumer society to a conserver society.

In this context, landfills simply bury the evidence. Incinerators simply burn the evidence. The waste industry is making a fortune taking waste somewhere else. I think it is absolutely horrific that the state of the railway industry in this country is so bad, as it is in America, that the only thing that you can think of doing is putting double layers of trash in a train and shipping it somewhere else.

You will be told that the local community will get economic development and jobs out of doing this. Poppycock. There will be a few jobs. They will be cashing in their environment, their last card. It is the end of economic development for those communities if they get perceived as the dump, as the one place in Ontario that is prepared to accept this stuff when everybody else does not want it. That is not the beginning of economic development, that is the end of economic development. But a few individuals will make a fortune on this. The waste industry will make a fortune in putting all that trash in trains and sending it into somebody else's community.

What we have to do, I believe, is to face the real questions. The question which now comes into really sharp relief as the most overwhelming question since the Cold War seems to be dissipating is, how do we develop a sustainable society? A lot of people, as I said, are saying that. How we do get it? Nature is the master of sustainability. We have to look at the way nature handles materials. Nature recycles everything. We do not, and that is our problem.

So let's get back to the immediate issue. In the United States right now I think we are still putting 80% of our trash into landfills. This trash crisis that we are talking about is really a landfill crisis. But again I think it is important to look at the components of this crisis before we rush into trying to solve it, because often when you read documents it is all put in terms of quantity: If only we could reduce the quantity going to landfills, everything will be hunky-dory. I do not believe that is true at all.

First, there certainly is too much material going into landfills and we have a space problem. Where are we going to put it? Second, we have too much toxic material going into landfills and that gives us a leachate problem. Those toxics get into the groundwater. Third, we have too much organic material going into landfills, which breaks down and produces methane gas which contributes to global warming, a tremendous smell and of course inorganic acids which in turn compound the toxic problem because they dissolve some of the toxic metals and get it into the groundwater. Fourth, we have too much useful material going into landfills, and this is an ethical problem. We are throwing away objects, throwing away materials that our children and our grandchildren would want to use and even our local communities today would want to use.

Fifth, and finally, people do not like living near landfills. That gives us a political problem. If you put one and five together, especially in a large province like Ontario, we are running out of political space for landfills. That is the key issue, not physical space but political space. Nobody wants to live near them.

Frequently we find that our experts design solutions for other people to live with, and I think the citizens are doing a great job in persuading them that when you are the patsy, when you are the final resting place for that trash, that is when they get the resistance.

But I think there is general agreement here when people think about it: We have to reduce the quantity, the toxicity and the organic content. There is general agreement, but most of the attention focuses on quantity of the discarded material going to landfills—that is not a dead

body in the picture; that was meant to be a bulldozer. That is where the agreement ends, because there are two diametrically opposed approaches. One approach is to destroy the materials, what I call the Rambo approach to waste management; the other approach is to recover the materials. Notice I call them "discarded materials," because these materials are not waste until they are wasted. We make waste; the materials are not waste. We make waste by mixing everything together. When you mix these materials, you get waste.

If you go into the destruction business, ie, incineration, you produce ash, and notice you do not get rid of landfills. You are still left with a landfill crisis. It is as difficult in the United States to site ash landfills today as it was trash landfills yesterday, because for every three tons of waste you burn, you get one ton of ash. The catch-22 for the industry is that the better it gets with the incinerator, the more toxic the ash becomes. Fortunately you are not talking about incineration in this bill, thank goodness. What a waste of time. Even if you think it is the best thing since sliced bread, wait until you go out and try to persuade the public that it wants to live with that. You will find that you can kiss five or six years goodbye. So as practical as you may think it is from the technological point of view, from a political point of view it is not practical at all.

On the other hand, if we separate these discarded materials, we are still dealing with resources; we can recover them with reuse, with recycling, with composting. This is in there with the 3Rs. You are very familiar with these concepts. I think the word that has been really underused so far is "composting," and indeed you still get a residue. We have not got rid of landfills; we still need a landfill for the rest. You could have a long argument as to whether it would be better to live near an ash landfill or a residue landfill. I would listen very carefully to the public as to which it would prefer to live near, ash residue or the residue from a recycling and composting program. I suspect their answer will hinge greatly on how aggressive this is: Are we going to have a token blue box program or are we going to have really intensive recycling and composting?

Before you accept lightly the notion of a residue landfill better than an ash landfill, here are a few definitions of waste. Waste is a human invention; nature makes no waste. Waste is a verb, not a noun. You cannot find anything in a garbage can which is waste. You can find paper, plastic, glass, metals, food scraps; the waste is mixing it all together. It is a verb, it is action, we make it. We pay good money for the stuff in the morning, we hate it at night. We hate the politicians who do not take it away. It is resources in the wrong place. It is the visible face of inefficiency, and I am glad the minister really caught that in her statement in which she talked about the companies which, when they recognize that waste is inefficiency and make less waste, particularly less toxic waste, actually save more money and become more efficient and competitive.

Waste is the evidence that we are doing something wrong. The best place for a landfill is right in the middle of Toronto so people have to drive around it every day and see exactly what is being made here. But the best definition, I believe, comes from California from a garbage collector:

Waste is a bus load of consultants going over Niagara Falls with three empty seats in it. This problem, quite frankly, is not going to be solved by high-paid consultants, big engineering consulting firms or magic machines. It is going to be solved by communities, by common sense, by creativity, by children, by making the connections between the local and global problems and putting your faith back in people.

It is happening in Ontario. I have just come from Wastewise in Halton Hills, which is an inspiration to see what people will do once they are threatened with a huge landfill proposal or a huge incinerator.

So let's look at a better way of doing it. Classify the trash into reusable objects, recyclable materials, compostables, avoidables, things we did not need to buy in the first place, toxics, and then finally we have the rest. Toxics are only about 1% or 2% in the waste stream, but I think they will probably end up costing us more than a very large chunk of the waste stream. At the moment we try to sweep them under the carpet into landfills or incinerators, but we have to pull them out and recognize the problem, and it is going to be an expensive problem to tackle.

A scenario, a schematic for how I would envisage those being tackled: The reusable objects go to a reuse and repair centre; a lot of voluntary activity there à la Wastewise. Each citizen would have one container for the compostables, one for the recyclables, one for the rest—keep the avoidables out; that is a long-term process with education—special containers for toxics, particularly batteries and waste oil; special collection vehicles; a toxic waste collection centre; an educational centre; part of that incorporated in the reuse and repair centre.

1130

If you asked a high-paid consultant what to do with half a can of toxic household paint, he would tell you to call in chemical waste management. You will probably pay \$30,000 a ton for people in white suits and masks to send this to Buffalo. If you ask a low-paid consultant what to do with a half a can of paint, he will tell you to paint something with it. If it is safe enough to buy, then it is safe enough to use up. If the individual cannot do it, then the community should. This is the kind of thing you should convince your community it has exhausted first, before you go to the high-tech solutions.

Composting facilities are out there, materials recovery facilities are out there. This is where we are still weak: What do you do with the rest, the residue? "We will send the residue to a cement kiln, we will send the residue to a mine, we will send the residue to an incinerator." No. I think we have to be much more careful about that. What I suggest is that we send the residue to a screening facility. You had your first level of screening at your source with the household, with the institution and so on. The second level of screening is in a facility. In other words, no garbage truck can dump garbage straight into a hole in the ground, into a landfill. It must go to this building where you have paid workers, well protected with Plexiglas screens, suction hoods, fans and so on to separate out the residue into more recyclables, more toxics and material which is designated safe to bury.

My advice to the government here is, if you want politically to site landfills, you have to go to the citizens and say: "We agree with you, it is difficult to control what comes out of a landfill. They all eventually leak. So we are going to put our effort into controlling what goes into the landfill and designate materials which cannot go into a landfill and materials which can go into a landfill and that is the only material that would go in." I think you have your best political chance of getting acceptability with that strategy. The other material that will come out of this will be low-grade compostable material: contaminated paper, diapers, kitty litter, the stuff that did not make it into the clean composting.

What we are looking at here in this scenario is two kinds of composting operations. We have source-separated, clean compostables which will produce a product you can sell and use in your local communities, etc, and you would also produce, from your screening facility, a low-grade compostable material. There are two possibilities there, the low-tech approach of windrow composting and so on to produce compost, or anaerobic digestion. The German citizens are pretty keen on the notion of tapping in there, making the methane above ground, using it as a fuel, and then only the sludge would be buried. But the object here is not to produce a product so much as to stabilize the organics above ground so they do not produce methane, smell and leachate below ground.

The stuff which is safe to bury, the non-toxic and non-biodegradable, bale it, and that is essentially it. In terms of regulation of such a facility, I believe you will have a better shot of keeping toxics out of the groundwater by regulating the balers; by the members of the community or members of the government coming in at any moment and inspecting the baling operation to see what is going into that landfill. Strip that bale. If there is waste oil in there, then that baling operator, who is well paid, will get the sack, and that good job is gone.

As I say, there is less contamination to the groundwater than the other approach of putting in plastic liners, leachate collection systems, and coming in and monitoring the groundwater, etc. Then what happens if you find that it is getting into the groundwater? "Oh, we close that cell down." It is a nightmare in terms of trying to control that thing once it is started.

In terms of the individual, there are three containers for weekly collection. We are strong on the blue box; everybody likes the blue box. The blue box has at least demonstrated that people are not a problem. If you make it convenient, they will do it, and they are doing it in droves. That has been useful, but the really important box is this compostable, to get the clean organics out. You can give people a choice. They can either compost in their backyards or they can support a community composting plot. In Zurich they have 482 community compost plots for from three households to 200 households. These are people who live in high-rise buildings, and one of the great things that has happened there is it has helped to fight the anonymity of living in a big city to compost with your neighbours.

Finally, you have a third container for the rest, and the system that has proved effective in the United States,

particularly in places like Seattle, is to charge for that third container. Your garbage disposal is probably absorbed into the tax system, so people do not understand the costs involved. But you charge for this third container what it costs to screen the residue and landfill it, etc.

In Seattle, for instance, you can choose between a small container, a medium-sized container or a large container. Only the rich can be slobs, only the rich can eat off plastic. The poor have to use china, stainless steel, etc. What we are introducing here with the pay-by-bag system is a feedback loop. Nature controls its recycling with feedback loops. Our waste crisis is that we are trying to solve it without feedback loops. This will change consumption. If you go into a store and you have the choice of peanut butter in a plastic or glass container and you know the glass container can go into this container, but the plastic goes into this one, the penny will drop and people will start choosing the things they can get rid of for free, rather than the ones they have to pay for.

Another feedback loop is to put some money into these screening facilities and make them adjuncts of our technical colleges. The people who are going to design the packaging and the objects of the future should see the crap that is coming out the other end, where people paid no attention to the future, only selling to the present. We have to introduce a new ethic where you design a package or an object not only to sell to the present but to share with the future. Volvo and Volkswagen now have cars in which, I am told, all the parts are reusable or recyclable completely. That is the kind of change we need.

So there is a tremendous lesson in trash as to what things we were doing wrong in the past, and also in what I think is the most exciting thing. I have a 30-minute video tape on a community resource park called Wastewise in Halton Hills. They have not gone all the way I am talking about here, but a long way. Rita Landry is in the audience. There is her phone number, if you want to talk to her; you have probably heard from her elsewhere. Essentially, it is reuse. It is those objects; you reuse them. You use senior citizens and other people with skills to repair these. You have some chance to train the unemployed and the chance to get the seniors with the kids so that they do not become repair-illiterate, they can repair their own bicycles.

You have a demonstration of how you compost in your backyard. You have a whole education of other things to do: a waste exchange where you can take in those paints and use them for painting things you are repairing; a gigantic flea market on Saturday and Sunday; a dropoff for all the recyclables you can think of; recovering of materials and fun, fun, fun; excitement, interest and building your community. In other words, tackle two things at the same time.

You have a big city like Toronto. I just guarantee there are a lot of lonely, miserable people living in this city because they get paid well, and they survive because when they go home at night they have one thing that requires no energy whatsoever. It is called television. You can watch it just by keeping an eighth of an inch of your eyelids open, no energy at all, and the only price you have to pay in the United States is that every seven minutes you are told you are hungry, thirsty, frustrated and sick, and every seven

minutes you have to eat something, drink something, make love to somebody and take a tablet. As a result, we are producing miles of junk. Why? Because we have been persuaded that happiness is just the next object we buy instead of the people we live with.

One of the things I would do if I were the czar of Toronto, which I am not, thank God, would be to break it up again. Rediscover your communities; some of them have names to them. Make sure that every single community has a community reuse and repair centre. Go to town: Use much creativity and imagination in the way you design this, not just for trash but for leisure activities and so on, and you will find that people get very excited with trash. A lot of these ideas are summarized in a little booklet called *Waste Management: As If the Future Mattered*. If you are interested, I will send 30 copies of the booklet to you. There is a videotape that goes with that.

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Very quickly, a few words about incineration. Obviously Ogden Martin and all those other creeps are still in the picture, still hoping against hope that the next government, which I hope will be this one—sorry about that, I do not know anything about your policy. On the waste issue, I just hope there is a government that continues to ban incineration. But they are obviously in it, hoping against hope that they can get this law overthrown and start building incinerators again.

Before you accept that, just look at what is happening. Without going into all the dangers of the metals, the ash and the dioxins, in the United States over 100 trash incinerator proposals have been defeated outright, or put on hold, since 1985. That is a good chunk of what they wanted to build. California had 35 proposals in 1984; they have only built three. New Jersey had 22 proposals in 1984; they have only built four. Incinerators have been rejected in Seattle, Portland, San Francisco, Los Angeles, San Diego, Boston, Philadelphia, Austin, Texas and on and on. The question is why?

In the United States in April every major environmental organization, the Environmental Defense Fund, the Natural Resources Defense Council, the Sierra Club, Friends of the Earth, Greenpeace, Clean Water Action, etc, called for a moratorium on trash incineration to the year 2000. Then in Ontario in April we had, "The people of Ontario need solutions, not illusions." I show this transparency all over the world now, so that people know you banned trash incineration. In Bavaria, over one million people went to their town halls in a 12-day period to try to get incineration out of waste policy in Bavaria.

I think this is interesting too. Recently, the German government announced a new strategy for packaging. They said, "If your package currently is not recycled, then it has to have a green spot on it." The citizens are told that ones with the green spot on it have to go to a special, I believe it is a pink, container. You now, they have these igloos—they exaggerate, they have eight and nine of them sometimes in a row, glass, aluminum, paper, everything you can think of, but then there will be this extra pink container for all the containers with the green spot on them. Industry is responsible for collecting that material

and recycling 80% of it. Incineration is not allowed. I find it extremely interesting that the German government is telling industry, "You do not have the easy option of burning this; you have instead to recycle it." This is a massive feedback loop with a vengeance.

There are a lot more things I could say about incineration. I am sure you will want time to ask questions, so what I am going to say is this: Even if you could make incineration safe, which I question, you would never make it sensible. It just does not make sense to spend billions of dollars perfecting the art of destroying materials that we should be sharing with the future generations. That is what we are doing: trying to perfect the art of destruction. If we got those billions of dollars to spend on the waste issue, we should try to perfect the art of recovering those materials and using them again. What we cannot recover, we have to have the courage to say to industry, "You shouldn't have made those in the first place."

I think the people are ready for some tough steps. They want to see some action. One of the things I have seen, and I am sure you have, is that for 10 years now we have overwhelmed citizens with headlines like, "Hole in the Ozone Layer Bigger Than We Thought," "Ozone Layer Thinning over the Northern Hemisphere" and "Global Warming: the Seven Hottest Years in the Last 10 years." People read this stuff and they think, "Oh, my goodness, what can I do?" We usually do not ask them to do anything. Now we are going to ask them to play a major role in one issue. I am not suggesting that the approach outlined here in the law, nor the additional aspects I have talked about with the screening facility, are going to be problem-free. They are not going to be problem-free. But to my mind, the art of decision-making is to choose the set of problems that takes us in the right direction. That is what I think this does. It is taking us in the right direction. The progress we make today is really a gift to our children. When we accept incineration or filling up mines, etc, we are really going backwards. We are not handing anything on to our children except problems.

Finally, I love this statement from Schopenhauer, which you may or may not know: "All truth goes through three phases. First, it is ridiculed; second, it is violently attacked; third, it is accepted as being self-evident." The kind of low-tech approaches to solving trash which maximize the involvement of citizens, institutions, businesses and communities—and make sure we have maximized that before we turn to technology and disposal—I believe is going to be one of those self-evident truths and we are going to wonder why on earth it took so long to get around to it.

That is in a nutshell what I wanted to say, and there is a little bit of time left for questions.

The Chair: Thank you very much for your presentation. I have questions now from committee members. First, Mr Wiseman.

Mr Wiseman: I would like to thank you for your presentation. It was very good and I think it covered a lot of very important points we needed to cover. Many proponents of incineration speak of how we can gain electricity from garbage. The problem I have with that argument is

that it encourages the production of electricity rather than energy efficiency and energy conservation. Could you comment on that, please?

Dr Connett: Yes, it is absolutely true. I think you are right. The moment you build a trash incinerator you are forced to feed it. The economics of incineration is that you have to optimize the use of that thing. It is totally inflexible and ties your hands for 20 years, so even when better ways of using that same material come along, economically you are trapped with the incinerator.

The energy thing is a big red herring. I am working with a project for Ontario Hydro on this very issue of how much energy. We have a consultant working for us out of Washington state and he has calculated that you can save—and you are looking at all the materials you can recycle in the waste stream—as much as five times as much energy from recycling and reusing those materials as you can from burning those materials. If energy is what you are interested in, you recycle, you do not burn. Of course, the other thing is that when you burn something you have to replace it, so you have really done nothing. It is business as usual and you have done nothing to alleviate the problems on global warming and those kinds of issues.

Energy is a big red herring. I do not think there are many people in Germany, for instance, who build incinerators today because of the energy issue. You build an incinerator for waste disposal, period. The energy sales slightly offset your cost.

I will give you one very concrete example. In Pinellas county, Florida, they have a huge incinerator—3,000 tons a day. Within about five years of it being built they are going to have to upgrade the air pollution control devices. It is going to cost \$150 million to do that. They only make \$10 million a year selling the energy for electricity, so they would have to run that facility for 15 years just to pay for these new air pollution devices. I think it is very clear that we are not looking at a power station here—no way.

What is unfortunate is that the local community does seem to get a net energy gain. If you burn trash you create heat and you can do something with the energy locally. As a government I think you have to say locally, yes; but nationally, provincially or globally we have wasted energy by not reusing and recycling those materials back into the economy at the front end.

Mr McClelland: Thank you, Mr Connett, for being here. Our provincial government is considering purchasing shares, and Ontario will be helping employees purchase shares, in an operation called Algoma Steel in northern Ontario. Algoma Steel has a multiplicity of stacks that emit products as a result of combustion. I take it that you believe these stacks, like all combustible stacks in Ontario, should be required to achieve a zero discharge of contaminants. Would that be a reasonable presumption?

Dr Connett: Zero discharge is an extremely important concept, because what you are saying when you say it is a zero discharge is that it is a back-end approach, that there is a device you can put on to capture the materials. That is placing the issue at the wrong end. The only way you can get zero discharge is to change at the front end. In other

words, if you do not put chlorine into a combustion system, you cannot get dioxins out. If you do not put mercury, cadmium or lead into these systems, then those metals cannot come out at all. So what we mean by zero discharge is to shift the focus of attention from the back end of the problem to the front end and see what goes into these systems.

One of the problems with the steel industry is that they are recycling cars. A lot of those cars have an enormous quantity of plastics, much of it PVC, synthetic leather, 58% chlorine; therefore, steel mills become major producers of dioxins and furans. You could take one approach, which is to put the same kind of scrubbers on steel mills that you put on incinerators, or you could take another approach and say: "Hey, you can recycle steel. We want you to recycle steel, but you have to separate the plastics from the steel before you do the recycling."

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Mr McClelland: At the end of the day, though—and I do not think anybody is arguing the theoretical and the laudable concept. I think you are quite right that the vast majority of people, if not all people, want to work towards the goal of zero discharge from an element, as you talk about it, about front-end thinking. But you have these production facilities operating, some in partnership with the government of Ontario potentially, and it seems to me that one way to achieve the objectives is to insist, as you say, in terms of anything that is operated by the government, either do it at the front end, but at the very least at the other end, at least as an interim measure.

I wonder if you have any scientific writing. I would not expect you to have it today, but a list of peer-reviewed scientific articles you might have that would discuss the measurable impact on public health if this so-called zero discharge were obtained. I do not think you would have it. You may have something, but if you could give me a list or send us a list of any kind of peer-reviewed, critiqued articles by people in the scientific community that talk about health impact and environmental impact, however we arrive at—presumably the best way—zero discharge.

Right now, doctor, our provincial government is operating a kiln in a place called Smithville. They use a rotary kiln to destroy PCBs. Temperatures operate at about 1200 degrees Celsius. The time the product is in the kiln is about two seconds. It is operating now in compliance with all provincial air emission standards.

My question is from a technical point of view: Is it a reasonable presumption to think that if one were to have a kiln or a process that raised it to 1700 degrees and maintained it for, say, six, seven, eight seconds, you would be lessening any health risks? Is it a fair presumption that an extension of time in a burning process, an increase of temperatures, would obtain a better result in terms of that destruction process?

Dr Connett: I think it is alluring the way you have put it, but unfortunately we have found that with incineration what is good for one thing is lousy for another. As you raise the temperature you produce more nitrogen oxides. As you raise the combustion efficiency, more chromium 3 is converted to chromium 6. As the level of chlorine increases

in your waste stream, more of the chromium 6 is converted to volatile materials. We have found that as people have tried to improve these facilities on the fly, as it were, as they were operating in communities, the solution to one problem is generating another one.

I have heard the proposal for using a cement kiln to burn refuse-derived fuel. First of all, it is important to recognize that the emissions from refuse-derived fuel facilities in the United States are actually higher in certain toxics, like dioxins and furans, than the mass-burn incinerators. When you burn paper and plastics together, you have concentrated sources of chlorine and some metals, so refuse-derived fuel is not a panacea to the burning problem. As far as cement kilns are concerned, on paper they look great, but if you go to towns which have cement kilns they do not work properly all the time. The regulations, I do not think, are adequate in the United States. I am not sure about the Canadian regulations. I have been to several communities that have these facilities and they are extremely concerned. As you probably know, there are some communities in the United States that burn hazardous waste in cement kilns, and it has not been a satisfactory experience in places like Ama, Louisiana, and in Aquadale, North Carolina, and near Dallas, Texas. So I think we have to be extremely careful in assuming there is a magic machine out there.

Mr McClelland: Are you familiar with the environmental assessment process in the province of Ontario? Have you a passing familiarity with it, in any event?

Dr Connett: No, I do not have a great deal of familiarity, but what I do know about it—

Mr McClelland: May I put it in more general terms, then? In terms of an adequately funded public process for citizens' groups and whomever, affected parties, do you feel that is a valuable tool to arrive at debunking many myths, arriving at a process of changing mindsets, changing the way we think, changing the approaches we take—in short, looking at the best environmental solutions available for a problem and working in terms of reconditioning our mindset, if you will? Do you think a fully public, fully open, without-prejudice public hearing is a valuable approach to obtaining those results?

Dr Connett: Again, it is alluring, as you have put it. I think the distinct advantage that Canada has over the United States in public hearing processes is that you do fund intervenors, if someone gets intervenor status. I think that is excellent.

The public hearing process in the United States is, I think, a placation to democracy. Usually the decision is already made. You let people spout off for five minutes and then you go and do what you were going to do anyway. There is a lot of time spent on it. I think the whole process could be improved greatly. Again, however, the public process is also clumsy in addressing the very important questions. Often the agencies involved are asking questions like, "Does it meet our regulations?"—we can't ask larger questions—or, as you said, "Is it safe?"

I think it is very bad sometimes at addressing the very big questions, the kinds of big questions the minister is addressing here. She is going beyond, "Is it safe?" It is not

a question of whether, for instance, it is safe to put that stuff in that mine. Is it sensible? Is it ethical? Is this the leadership that the people want from a government? I think when the government has the boldness and the courage to carve out a bold new philosophy which says, "We want to move from a consumer society to a conservator society, and we don't think incineration and exporting waste fits into that philosophy," that is more important than the public hearings side that we have. If you do not like the government, vote them out, but that is the role it has taken. Within the guidelines they establish, you have the public hearings on the screening facilities, whatever they come up with in that, but I think you have to allow the government to come up with a broad policy to address the big questions before you get sidetracked with some of the little questions.

Mr McClelland: It seems to me, though, that within those broad policy statements, surely it would be appropriate—again, maybe I should not prejudice the question by putting it in that sense. But I hope you would think it appropriate that an opportunity be given for the public to at least hear and participate in data that are put forward, evaluations of those data, cross-examination, if you will, on a peer-to-peer basis in terms of people with scientific expertise being able to make their own judgements, to sit back with an independent group of people to evaluate the various data that are put forward.

Certainly I think I am correct in saying that within the scientific community there would be a divergence of views and a range of views in terms of various options. Again, within that broad framework, is it not reasonable to use as a very important vehicle, when you talk in terms of public participation and community participation, open and full hearings, looking at things objectively and using it as a tool for education?

The Chair: Your time is up, Mr McClelland. I am going to have to put that as notice of a question on the record and move to Mr Cousens.

Mr Cousens: Thank you, Madam Chairman. I am pleased to see Dr Connett in person. I have a copy of the tape that has been circulated about you. For the record, I would appreciate it if you would give us your academic achievements and where you received them, please.

Dr Connett: I got my first degree, in natural sciences, at Cambridge University in England. I got my PhD in chemistry at Dartmouth College. My field was the interaction of metals with biological systems.

Since that time, my focus of interest has been on waste management, particularly the problems of incineration and the buildup of dioxins in the food chains. With a colleague, Tom Webster, I have attended the last seven international symposia on dioxins. We have presented papers on these issues at the last six. Five of those have since been published in leading journals on environmental toxicology and chemistry.

As far as the videotape that you mentioned is concerned, I think it is important that people know that the person who produced that videotape is actually trying to site an ash landfill in a little town called Angelica in New

York state, so this man has a very vested interest in destroying my credibility. The person who made the tape was paid, I assume, quite a large amount of money to do that. I find it absolutely incredible that in a tape devoted to me for 45 minutes—I guess I should be flattered—the person who made it did not feel he had to interview me and did not feel he had to interview anybody in our county who was against the incinerator or even neutral on the incinerator.

What you see is very much a selected view of the issue in our county from people whose toes we trod on, because they wanted the incinerator. We had a five-and-a-half-year battle. We stopped the incinerator. I think most people today would probably be pleased that we stopped the incinerator. Where they went to sources outside the county, they went to people who would clearly have a vested interest, people like Gordon Boyd, a consultant who works for Browning-Ferris Industries and other waste industry. So it is hardly an objective document. But I have offered to debate the person who sent the videotape to you.

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Mr Cousens: No, that is fine. I welcome that. I have it and I will make it available for public show.

Do you have any ideas on how the province can deal with the accumulation of recycled materials, some kind of economic method of handling them? What we are doing is stockpiling recycled goods. That becomes a major worry for me and many of us who want to promote the 3Rs and are doing our best. The blue boxes are filled, yet where is it going? If it is going back into landfill sites, which is starting to be the worry—more people are beginning to believe that the recycled goods are ending up in large terminals out at the airport and many other parts are going into landfill. What we really need to do is come back to the issue and find ways in which we can use the recycled goods effectively and economically so that we have a way of putting an economic measure on that part of the 3Rs.

Dr Connett: I think you are absolutely right. I think that is critical. At the same time, people are clearly demonstrating that they are not the problem, that they will separate these materials for us. We have to develop the government incentives to get those industries geared up to handling those materials. I am happy to see that you are, I think, bringing three paper plants on line in Canada and are siting them near urban centres, not near a forest, which suggests to me that they are getting geared up to receive the recycled paper.

I think the key thing is that we should recognize that there are going to be some ups and downs with certain markets—not all markets, but some markets.

Mr Cousens: Do you have any specific ideas, though, on how we can do it? The problem we have is that we are over time.

Dr Connett: I think it is important, whenever you separate a material, to get as much flexibility and as many end uses for it as you possibly can. If it is paper, for instance, you might want to back up newspaper with cattle bedding and composting and anaerobic digestion so you are not wholly dependent on the paper industry taking that paper back. I would like to see the paper industry getting

involved in composting so that it can take some of that compost, perhaps the lower-grade compost, back to the forests, and things like that. I think you need to look at each material and see as many uses for it as possible and play it so you are not trapped by one market.

Mr Cousens: If there is any document that you could refer us to, it happens to be a subject of importance. The ideas you present we have heard of, but we are looking for more. I think it is a critical issue. We have to somehow balance off our environmental goals and objectives with some of the economic things. They can mesh. It is just how we as a smart society can make them do so.

I want to let you know that I do not in any way want to be unkind to you. You come as a guest and make your presentation. When we talk about the offence, what happens is that when anyone is in the world doing what they believe, they can come under attack. We happen to believe that this government is quite under attack because it does not necessarily listen to people either. So it is a tough world out there.

Dr Connett: I have no problem with people attacking me, but let's attack on the issue, let's discuss the issue. I do not think the videotape or these newspaper articles really address the issue but are designed so that you would not listen to me today, so you would say, "Forget this guy."

Mr Cousens: No, I am delighted you have come. Thank you.

Mrs Mathysen: Thank you, doctor. I enjoyed your presentation very much. I learned a great deal. I think you have given us as a government something to think about. Mr Cousens has alluded to these difficult times. I assure you that it may be a difficult time to be government but there is an excitement to problem-solving and showing leadership to get around and resolve these problems we are dogged with.

You talked briefly about emission problems around cement kilns and concerns about the kinds of contaminants that come out of those kilns. We had a representation from the industry. They wanted to use refuse-derived fuel after an aggressive 3Rs policy. They said that only the residue, the leftover, would be burned in their incinerator. What is your experience of these burn facilities? Can they operate on post-3R residual waste?

Dr Connett: No, I do not think so. As soon as you opt for destruction you have lost. You are losing the battle. The trouble is that once you commit yourself to that kind of thing it is very difficult to be weaned off it again. It is easy but it is wrong. As I have said before, there are some very high emissions of dioxins from refuse-derived fuel plants. The Occidental plant in New York state has the highest dioxin emissions of any incinerator in New York state. Detroit has very high dioxin emissions. That is another refuse-derived fuel facility.

Second, I have videotapes from citizens of thick black smoke coming out of the cement kiln types of operations. Actually it was not a cement kiln. It was a lightweight building aggregate with the same principle: rotary kiln, high temperatures, long residence times and so on. I think

the problem is the difference between theory and practice and the limited amount of data we get from these facilities.

I do not know if this is true, but often they have this cute statement about, "We capture the fly ash and then we recycle it back into the kiln." That is where basic chemical principles are rather useful, because all that means is that your toxic metals, which can never be destroyed, are going to end up in one of two places, either in the air or in the concrete, in the cement, if that is what they are going to do. In other words, you go to great lengths capturing these things and then completely pull the rug from under your strategy by recycling them back into the kiln. That is the first lesson in chemistry: You cannot destroy metals.

That is why I think the incinerator industry is keen to make these videotapes, because they would like the citizens to believe that if only you had a PhD in chemistry or were a professional engineer, you would realize that they were clever and these people were stupid. In actual fact, you need only these very basic lessons in chemistry to realize that this suggestion makes absolutely no sense at all.

If you recycle the metals back into the cement, what do we do with the buildings we build with that cement when they are brought down 100 years from now? Where does it go to? We already have in certain cities in the United States incidences of yuppie lead poisoning, where wealthy parents go back into the inner city, sand down the paint work and immediately get lead into the lungs of their children. That is a problem that was generated 40 or 50 years ago, but the children are now experiencing it. The same kind of thing could happen if we tolerated allowing these metals to go into our concrete.

Mrs Mathysen: I am glad you mentioned that, because that was precisely the question raised by my colleague regarding these residual toxins and the fact that they were in the cement. The response was that the cement makes them stable and safe and that you need not worry about that.

Dr Connett: The other thing I would say is: Here is this object. I cannot reuse it. I cannot recycle it. Someone comes along and says, "Oh, I can burn it in a cement kiln for you." That is the wrong thing. If you cannot reuse it, you cannot recycle it, you cannot compost it, you should not have made it. If you do not know what to do with the mercury in that battery, you should not have put mercury in that battery. We have allowed our manufacturers to run roughshod over us in terms of the cost that they externalize to the community. All this trash is essentially cost, much of it that should have been borne by industry in the first place. What you have done is to bite the bullet and begin to focus back on the people who make this trash. Ultimately that is where it is going to go to. But we are not going to focus the attention if you believe in these magic machines out there that can pretend we are making electricity instead of getting rid of waste.

Mr Lessard: I thoroughly enjoyed your presentation. It was very environmentally friendly, not only the content but the presentation, because you used slides and did not have a big pile of paper to pass out to us. The last presenter gave us this book, printing on one side of the page with a

plastic binding, and this pile and this pile here. You did not do that. I thank you for not doing that.

You made some reference to consumer choices in packaging and the squeezable ketchup bottle. What might we as a government be able to do? You addressed one, making us pay per piece of garbage we throw out. Is there anything else we can do to try and ensure that consumers do have those choices available to them to make the most environmentally sensible choice? We are going to have to counter the argument from manufacturers who say: "Look, people bought a billion of these types of containers. Therefore, they must want them. Why should you tell them they don't?"

The Chair: There is just one minute left for the presentation. I would appreciate it if you could sum up. If you are unable to answer Mr Lessard's question, you can do so in writing.

Dr Connett: Okay, thanks. I think there are other things to do. I would look very carefully at what Germany has done with the packaging. I would look very carefully at what Wisconsin has done. I think a lot more could be

done in terms of designating what must not go into landfills and cut off these sloppy solutions at the end.

In the 35 or 36 seconds I have left I thank you very much for listening to me and hearing this other side. I am always much more encouraged talking in Canada than I am in the United States. I think you have better processes here to discuss these kinds of issues.

I end up with three things: To the citizens, do not let the experts take your common sense away; to the politicians, put your faith back in people, and to the activists among you, have fun. Thank you very much.

The Chair: Thank you very much for your presentation before the committee today. I think I speak on behalf of all the committee. Both presentations this morning were anything but boring. They were extremely informative and, I am sure, helpful to the committee in its deliberations. If there is any additional information you think would be helpful to the committee, please feel free to correspond with us in writing over the course of our deliberations.

The committee recessed at 1213.

AFTERNOON SITTING

The committee resumed at 1401.

REGIONAL MUNICIPALITY OF YORK

The Chair: The standing committee on social development is now in session. We are examining Bill 143, the Waste Management Act. We are in the course of public hearings and our next representation is from the regional municipality of York. Welcome, Mr Chairman. I ask that you begin your presentation by introducing your delegation. You have one hour for your presentation. We ask that you leave as much time as possible for questions from committee members, and if you wish, you can request a few minutes in time for summation at the end. Please begin your presentation now.

Mr King: Is it the practice that I may remain seated?

The Chair: Please. In fact we would prefer if you would remain seated and speak right into the microphone. Hansard will record everything you have to say. You do not have to worry about it at all and I will tell you if there is a problem.

Mr King: I will take the opportunity to introduce our delegation. Our chief administrative officer of the region of York is Mr Bob Forhan and Mr Ian Blue is representing the region of York in this matter. There are many members of the respective area municipality councils here as well as regional councillors: Mayor Loma Jackson from the city of Vaughan; Mayor William Bell from the town of Richmond Hill, and Mayor Jim Mortson from the town of East Gwillimbury. We have councillors for the town of East Gwillimbury—Paul Mainprize, Frank Kelly, Jack Hauseman—Jim Morning and Bob Voorberg from the township of King; Steve Bellerby and Bob Ancheril from the town of Whitchurch-Stouffville, and Peter Meffe from the city of Vaughan, as well as the administrative staff from the city of Vaughan. I am sure they will be introduced later. I thank the individuals for coming on this somewhat inclement winter day. We thank you for the opportunity. We are very concerned about Bill 143.

The region of York requests this committee to amend Bill 143 to require the Interim Waste Authority Ltd to be fully subject to the Environmental Assessment Act and to prevent the confiscation of the power of elected officials by part III of the bill.

Bill 143 in its present form should be unacceptable to the people of Ontario. It is based on an untrue "sky is falling" premise and offers a solution to this non-crisis that is anti-civil liberties, anti-environmental, anti-business, anti-scientific and anti-democratic.

The bill is fundamentally unfair to York region. The bill requires the Interim Waste Authority to find a landfill site in York region or Metro for York region and Metro garbage for the next 20 years. It does not take much wit to see that this site will be in York region and not in Metro. As far as Metro citizens are concerned, a garbage dump in York region is out of sight, out of mind and therefore defeats Mrs Grier's stated purpose. Keswick, for example, is to most Metro citizens as far out of sight as Kirkland

Lake. How then does this requirement of a landfill in York region promote the conservator society Mrs Grier spoke of on Monday? It does not.

Why should York region alone be responsible, along with Metro, for dealing with Metro's wastes? Why, especially when the Municipality of Metropolitan Toronto Act empowers Metro to find facilities to treat its wastes anywhere in the province? Why should York region alone be responsible for Metro's garbage when Durham and Peel must only provide facilities for their own waste? What has York region done to incur the NDP's wrath in this way?

Citizens of Metro create the garbage that Bill 143 requires York region alone to take. Metro citizens also make goods, provide services, pay taxes, dividends and salaries, and through these contributions make a better life for all Ontario citizens. All Ontario citizens benefit from what goes on in Metro. No one would suggest that York region should have all the provincial income and business taxes paid by Metro residents, that the provincial government that resides in Metro and creates garbage should devise programs that benefit only York region, or that goods manufactured in Metro should be exported only to York region. Why then should Ontario residents outside Metro and York region have no responsibility to assist York region in solving Metro's garbage problem?

York region believes that Bill 143 must be amended to enable the Interim Waste Authority to find a site anywhere Metropolitan Toronto could find a site; in other words, in any place in Ontario. Alternatively IWA should be empowered to find a site for Metro's garbage anywhere in the GTA, not in York region alone. A landfill in York region is, from Metro residents' point of view, as much out of sight, out of mind as a landfill anywhere else in Ontario.

I now ask Mr Ian Blue from our legal counsel to present our detailed concerns about the bill.

Mr Blue: The chairman's first point was that there is no real problem and we have called this part the "Sky is Not Falling." The Metro garbage problem is a good example of a government that covets legal powers necessary to control people's lives, creating a situation to justify taking these powers when the situation is not real. There is no unsolvable Metro garbage crisis that justifies the restrictive powers in Bill 143. There is only a continuing need to find long-term solutions for Metro's garbage, but this need did not constitute a crisis before the NDP was elected and it certainly does not constitute a crisis now. This need does not require or justify this anti-environmental bill.

Today, remaining disposal capacities at Keele Valley and Brock West are much greater than estimated when the NDP was elected. Today, the need for new landfills is much farther away in time than when Bill 143 was introduced. When Bill 143 was introduced, the Keele Valley landfill was expected to be full in 1995. Mr R. G. Ferguson of Metro, in his latest report, says that Keele Valley may only become full in 1999 and Brock West only in 1996. Mrs Grier herself, in the material she filed with this committee,

admitted that remaining disposal capacities at these sites "now appear to be greater than we expected."

The Britannia Road situation by itself does not justify this anti-environmental bill. Garbage now going to Britannia can, after this site is full, easily be diverted to Keele Valley or to the new Halton landfill site, or for that matter to other destinations like Niagara Waste Systems in St Catharines. It can be diverted there for at least the time necessary for new long-term sites to be found using the current and pro-environmental law, the Environmental Assessment Act.

I put it to you that four to six years is plenty of time for the minister, for the Interim Waste Authority and for the government to find new long-term sites under the Environmental Assessment Act. If the minister and the Environmental Assessment Board and their cadres of consultants and advisers cannot work within these time limits, then the minister, simply put, has lost control of her ministry. This bill is not necessary because of time.

The sky is not falling; there is no crisis situation, and there is nothing to justify stampeding the people of Ontario into the trap of granting permanent restrictive powers to this NDP government, which is what Bill 143 will do.

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The chairman's second point was that this bill is anti-civil liberties. Let me state why. Make no mistake about it: The powers in Bill 143 are new restrictive powers designed to control the lives of Ontario citizens. By simple strokes of the pen, Bill 143 creates devices that are alien to Ontario citizens in order to achieve this control. For example, you have heard this, but it creates government officials who can enter, who can inspect, who can search your property and seize things on private property and question persons without a warrant. It contains tough enforcement provisions in case someone does not want to cooperate. This is all extremely anti-civil liberties.

If enacted, Bill 143 is going to eliminate these legal rights: the legal right to refuse to cooperate with public officials who want to take your land, the legal right to remain silent against questions of public officials, the legal right to require a public body to justify an undertaking that will affect the environment before an independent and impartial tribunal, and the legal right to require a public body to consider alternatives to and alternatives methods of carrying out an undertaking that affects the environment. It takes away the legal right to have government actions that affect a citizen's personal and property rights authorized by clear and specific statutory provisions. It takes away the legal rights of citizens and municipalities under several statutes. It takes away the legal rights of citizens of York region under its agreement with Metro.

This bill is totalitarian. It carries ideals to absurd lengths at the cost of common sense, of our liberties and of the environment. It is easy for a government to give itself emergency powers and to take away the rights of citizens. It is much more challenging to find the environmentally best solution for Metro's garbage and Bill 143 does not meet this challenge.

York believes that a better solution than Bill 143 is to make the Environmental Assessment Act process apply to the Interim Waste Authority and to make that process

work, because that process can work and work well if managed competently. Ontario citizens deserve no less.

The chairman's next point was that the bill was anti-environmental. On Monday, Mrs Grier stated that the Solid Waste Interim Steering Committee's exemption of the Brampton and Whitevale proposed interim sites from the Environmental Assessment Act was not acceptable to the NDP in opposition. Now she proposes to do herself what in opposition she condemned. Bill 143, baldly put, exempts the Interim Waste Authority from the main features of the Environmental Assessment Act and places the Interim Waste Authority above the law.

Residents and politicians in Halton, Niagara, Oxford and Lambton should take warning. They and their children are not off the landfill hook if this bill becomes law, and citizens elsewhere in Ontario ought to worry too. This bill provides at best—assuming the minister's estimates are correct, and many people disagree that they are—a 20-year solution. Before then, the Interim Waste Authority and its police will be looking in their backyards. Then, only these restrictive powers and not the Environmental Assessment Act will be used against them. They will have lost their right to the Environmental Assessment Act for ever if they, as citizens outside the GTA, do not oppose the bill and tell their MPPs that they oppose it. This bill is a gravely dangerous precedent because no subsequent government, once it is in power, will be able to resist it. They will not be able to resist replicating these powers, because it makes things far too easy for government to trample on people's rights.

Why does the bill destroy the Environmental Assessment Act? Contrary to the Environmental Assessment Act, the bill excludes consideration of the alternatives to landfill of both incineration and export from the GTA. Simply put, this is pure nonsense that has no credible scientific evidence to support it. The region is strongly suggesting that incineration be evaluated as an alternative means of solving the garbage problem, and I will say more about the alternatives in a minute.

Second, contrary to the Environmental Assessment Act, the bill requires that no alternatives to landfill other than the 3Rs be considered by the IWA. But this is nonsense. The IWA must accept as accurate, as gospel, the minister's 3Rs forecast, and the forecast will not be subject to any critical testing in public. Anyone who has examined estimates of garbage quantities knows how totally judgemental they are and that they need to be tested in public to be credible.

The 3Rs are no alternative to landfilling. Any waste that is 3R-ed will have been removed from waste needing to be landfilled. Take 100 tonnes of raw garbage and assume 50% is 3R-ed—that is the minister's objective. That still leaves 50 tonnes that need to be landfilled. The 3Rs are not an alternative for that 50 tonnes that need to be landfilled. In fact, for all waste that needs to be landfilled, the 3Rs are no alternative at all. This bill does not allow any alternative to be assessed.

Third, the Environmental Assessment Act requires that alternative methods of carrying out an undertaking be evaluated. Alternative methods would include, say, one landfill for the GTA. It could be either within or outside the GTA. It might include more than one landfill in any of

the named regional municipalities. It could be any combination of these options. There could be landfills of different sizes. Quite apart from just landfills, there could be an alternative method consisting of a system of 3Rs, composting, energy recovery and landfilling of residues and waste otherwise not manageable. These alternatives, for no good scientific reason, are expressly excluded by Bill 143. Why?

Finally, a process requiring less than full compliance with the Environmental Assessment Act, by definition, prevents finding the environmentally best solution to the Metro garbage situation. That is because the Environmental Assessment Act provides for best solutions. This Bill 143 process is one that, by definition is something less than wise management of the Ontario environment.

This is more than a point of logic. It is a point of cardinal importance to the health, safety, economy and society of the 40% of the population of Ontario who live in the GTA. The only advantage of Bill 143 is expedience. Mrs Grier does not argue that Bill 143's solution to Metro's garbage is the one that best protects the health, safety, property and communities of the people of Ontario. York believes this failure is a fundamental deficiency in the bill that the people and the Legislature of Ontario should reject.

Bill 143 is anti-environmental because it mocks the belief of all environmentally minded persons in Ontario that the Environmental Assessment Act provides optimal solutions to environmental problems, whether or not those solutions happen to be fashionable at the time. The Environmental Assessment Act provides a scientific, not a political solution. It deals with facts, realities and rights, and it settles conflicting interests fairly. Bill 143 shows incredible ignorance of that reality.

I want to deal next with the anti-business and anti-scientific point. Bill 143 expressly excludes, as we all know, incineration and export from the GTA as possible solutions to Metro's garbage problem. The incineration option excludes consideration of several private corporations that would like to establish modern, state-of-the-art incinerators in the GTA. These would provide high-technology jobs, design jobs, engineering jobs etc. They would provide construction and employment, capital investment and lots of permanent jobs in the GTA. They would also provide spinoff jobs and employment. The NDP exclusion of incinerators from Bill 143 precludes the possibility of this economic activity and benefit and is therefore hostile to business.

Modern garbage incinerators are used all over the world to reduce garbage volume. They are even used in social democracies like Sweden, France, Denmark and Finland. Modern incinerators destroy 99.999% of PCB, dioxin and furan compounds in domestic wastes. Landfills destroy none. Incineration also extends landfill life by at least 10 times. Incineration does not discourage the 3Rs because only what cannot be 3R-ed is incinerated. Modern incinerators can be sized and priced to meet any forecast of garbage quantity, even the minister's. Modern incinerators do not pollute the atmosphere and can be operated well within all legal air emission limits and health risk limits. That stands in contrast to landfills which just put raw, untreated garbage in a hole in the ground. All Mrs Grier's

assertions about incineration have effective scientific and engineering responses.

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The export from the GTA option is an option that would also create business activity and investment to protect the environment. Transportation by rail is safe and environmentally sound. It provides new options that may be more hydrogeologically suitable, that are not in an urban shadow area and that provide socioeconomic benefits to the host community. Indeed, sites outside the GTA may well be superior in every respect to those within.

Bill 143 is anti-scientific because its cement-minded solution, three garbage landfills in the middle of the most populated area of Canada—the GTA—makes no scientific sense. Bill 143 will put untreated garbage, raw garbage into holes in the ground near millions of people. Why must landfills or the landfill-alone solution be in the most populous region of Ontario where adverse environmental effects are greatest? Why can this government not allow alternatives that will probably lead to an environmentally better solution to be evaluated as the law requires? The landfill-only solution makes Ontario look bad in the eyes of the world because it makes Ontario look backward. Foreign business is watching.

What is also anti-business and anti-scientific is Mrs Grier's refusal to debate the incineration and export alternatives in public. She excludes them from consideration by an independent and impartial Environmental Assessment Board. If her views have merit, this merit will be borne out in the board's decision. But why is she afraid of having her views tested by knowledgeable persons? Is she embracing an "ignorance is strength" philosophy? York believes she is.

Part III of Bill 143 is anti-democratic because it is a theft of the authority of elected municipal officials by an appointed official of the state. Part III is also anti-democratic because it puts the actions of this official above the law, above the Environmental Assessment Act, the Planning Act, the Regional Municipality of York Act and the Municipality of Metropolitan Toronto Act, and above the agreement between York and Metro covering the Keele Valley landfill.

This confiscation of authority is without assuming any corresponding political or financial responsibility. The minister or the director can say to the regional government, "You do what I say, you pay for it and you take the political heat for it in your region." This power grab was not negotiated in advance and no fair debate about this responsibility has taken place between the two levels of government. Let's be fair and have some real public consultation about this idea.

What exactly is wrong with following the Environmental Assessment Act and obeying the other laws about landfill expansions anyway? Has Mrs Grier lost patience with citizens expressing their views to an independent and impartial tribunal? Has she lost patience with objective, independent review of landfill expansions, public consultation, intervenor funding or thoughtful decision-making? Why in the GTA, where landfills seem to cause most concern because of the concentration of population, does the government want to avoid the EAA when, after all, the Environmental Assessment Act is designed to ensure that these concerns are considered, taken into account and mitigated? Again, York says time is not a problem if the Environmental

Assessment Act process is competently managed, which the minister can ensure if she wants to.

Finally municipal politicians can be trusted to provide solutions for their own garbage as the Regional Municipalities Act empowers them and requires them to do now. They have done so in the past. State officials, police, legal fictions and the sidestepping of existing laws, such as is found in Bill 143, are not required.

By the way, York region supports section 19 in its present form if the bill becomes law. It does not want it removed.

Mr King: York region requests amendments to achieve the following objectives: York region alone should not be responsible for Metro's garbage. The Interim Waste Authority's proposals should be subject to a full environmental assessment; there is time for this process if the minister manages it properly. The minister and director should not grab regional authority; instead, the minister should work with the GTA chairpersons to find interim solutions in accordance with the Environmental Assessment Act. The disagreeable features of the bill that York region has described should be removed.

We have handed out copies of this presentation. We have also handed out detailed commentary and recommendations about Bill 143 that are far more extensive than the points we have made this afternoon. We have also handed out the text of the amendments York region is asking for. Again, we thank you for the opportunity of presenting our position.

The Chair: Thank you very much. I have had a request from the parliamentary assistant to say a few words.

Mr O'Connor: The question of power of inspection keeps coming up. You brought it up on page 4 of your brief. To answer that question about the inspectors within other provincial acts and whatnot, I would like to have Jan Rush, the chair of the Interim Waste Authority, address that power of inspection, because that is something that has been brought up many times and I think we would like to get some clarification on the record for the chair and his fellow council members here today.

Ms Rush: We have had a request for a written answer and that will be forthcoming as well.

Very briefly, I can point out that the powers that are contained in this bill are consistent with the Charter of Rights and Freedoms. They have been reviewed by the Ministry of the Attorney General lawyers and they concur with that. The power to enter property is contained in many provincial statutes and the powers contained in those statutes refer to the specific mandate of the bill, as does this one. I can also say that this particular set of provisions provides more safeguards and protection for property owners than some of the other bills and we are convinced they are consistent with the charter.

The Chair: Questions from the committee members.

Mr Cousens: As the member for Markham, I welcome the municipalities and the municipality of York, Mr King and his staff. It was really an excellent presentation. First, I would just say on behalf of the people of York region that I am very impressed with the presentation you have given.

I value your guidance and help. The whole debate having started on October 24 and then continuing during the municipal elections, I was very worried there might not be a chance for the region to speak on this issue. The fact you have come as prepared as you are with what I would say is the strongest statement I have ever heard from Mr King and his council leads me to believe there is an issue here that really needs to be addressed, and I appreciate the way in which you have clearly set down your terms of reference.

I would like to ask you if you have any comment on one statement that was made by the minister in her opening statements. When Mrs Grier on Monday of this week came to our public hearings, she made this statement. I will read the paragraph to give you the context:

"With respect to the question of hearings regarding the extension of capacity at the Britannia Road and Keele Valley landfill sites, let me clarify our position. Unfortunately, the fact that Britannia Road landfill site reaches capacity next June makes a hearing on the extension there impossible. The legislation does not preclude a hearing for the Keele Valley extension and, if there is time, there will be a hearing."

I am having some trouble with that by virtue of the statements that were made prior to the election of September 6, 1990, by Mr Rae when he said there would be a full environmental assessment. I would like you to comment on the assurances the region had for an environmental assessment. Now with the possibility that the minister is saying, "If there is time, there will be a hearing," could you give me your explanation and comments on that?

Mr King: Our concern is not as great as it relates to the interim capacity that may be generated. Certainly the region of York holds the position right at the moment that any expansion to Keele Valley must be confronted with a full environmental assessment. We believe, and it was in our submission this afternoon, that there is absolutely time to carry out that particular assessment because of the fact that the landfill, as it relates to Keele Valley, will not be filled to capacity as early as was expected. If the minister wishes to include that in the amended amendments, then certainly we would be most supportive of that. I think we can be not only supportive; we are demanding that it also be included as it relates to any expansion to Keele Valley.

But our greater thrust, as of this afternoon, and the position of the region of York, is that anything related to the disposal of waste should have the same opportunity as any other waste disposal facility that has been applied for in recent years or will in the future. I have to state again that I cannot understand how the minister can say, "We are opposed to exporting garbage," when in fact Bill 143 is an export bill for Metropolitan Toronto to export to the region of York.

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Mr Cousens: What has York region done to be the beneficiary of all Metro's garbage?

Mr King: Mr Cousens, I think York region has done its share, and certainly the residents of the community of Maple, within the city of Vaughan, over the last eight years, from 1984 to 1992, in accepting that the waste be hauled there. We agreed to it at that point. We did not

expect, though, that we would be the only importer in the world of Metro waste. We have certainly done our share. We are willing to cooperate, but we want the same opportunity as everyone else. Give us the opportunity to make our case known and also give us the opportunity to search for the best possible location for any waste in the province.

Mr Forhan: I would like to state that the council's position, and we had it with SWISC, was that we would be willing to take interim waste from Metro under an EPA. Under the EPA it was an interim measure because it was felt that Keele Valley would be filled around 1994 or 1995. What has happened is that council has changed that position and wants a full EA on Keele Valley. Basically what has happened is that with the interim measures that have been taken on reduction, Metro figures show that Keele Valley will probably last, under the existing relationship, to 1999. With the extension of the site and the capability of the site to be extended landfill, there is no need for this hurry-up legislation without a full environmental assessment. Over the year 1990-91, I think Metro's tonnage at that particular site dropped from 3.2 million to 2.2 million tonnes.

Ms Haeck: I must admit that at times I have had to contain myself rather seriously with this presentation, gentlemen. I had a chance to look across the room and realized that most of the opposition members represent elements of the GTA and most of the people on this side represent the 60% of the population, as you aptly describe it, who live outside the GTA. Representing part of the city of St Catharines, which is mentioned in your brief, I have to say that I know an awful lot of people of St Catharines who really do not want your waste and are quite happy that with this bill, which is going to say you get to keep it, you have to actually come up with a method of dealing with it. We already have a number of problems ourselves and have to come up with a method of dealing with it ourselves, and we are quite happy to do that.

I also hasten to add that the minister would probably agree with some elements of what Mr Blue has said. He hopes the long-term landfills will be operating in time to deal with the fact that Keele Valley capacity may be exhausted, but there may be a risk that the long-term sites will not be not available. Maybe you could comment on what planning should take place if this is not a possibility.

Mr Blue: I would be happy to do that. You have to remember that the minister's schedule for the IWA was prepared with the assistance of three teams of paid consultants, who charge by the hour, and you have to remember that if you ask consultants like that how long something will take, they will tell you, and it is going to take a long time.

Let's just go through the steps in the process as it is practised by the ministry, and this has evolved over several years. A proponent like IWA prepares an environmental assessment, and it is prepared with the best of consultants. The ministry says, "File a draft copy," and then a year later it will mail it back with comments. That is before you file it formally. Then you file it formally. The ministry's official position is that the government review takes six months. In fact it takes much longer than that for a major project. Then it has to go to a hearing and you have the

Environmental Assessment Board or joint boards that try to manage the process, and that is always done quite efficiently. The boards are very good. What is more, the boards are learning.

York is saying it takes a little bit of management competence—the minister probably has it and probably some of her executives do—simply to say that instead of doing it that way, it must be done by a certain date. You cannot tell me that with the resources the IWA has, it cannot prepare an environmental assessment of a garbage dump and have it ready to go to a hearing in less than three or four years. That is nonsense. That is a bill of goods that is going to cost the province a lot of money.

This process under this act that IWA is going to follow with the exclusion is taking an incredible amount of time. It is taking more time than most environmental assessments I have seen, and I have seen a few. It is total nonsense for the minister to suggest that a full environmental assessment, considering all the options designed to come up with an environmentally best solution for all of Ontario—I always thought this Legislature represented all of Ontario and not just the 60% who live outside the GTA. It can be done, in my opinion, from start to finish in about two to two and a half years.

Ms Haeck: If I may say so, the riding that is immediately to the west of me has the privilege of having visited upon it a creation of the earlier Tory government that is called the Ontario Waste Management Corp, which is going to get virtually all of Ontario's toxic waste—at least that is what was described—and that process has been going on for over 10 years. I would suggest also that in the time frame this process has taken with regard to the OWMC, I am not sure the GTA has 10-plus years to wait to deal with the garbage crisis.

Mr Blue: That example of course is not a fair one. The OWMC case started from scratch in 1981 with no previous work. The GTA is starting with the years of work of SWISC and all the work SWISC has done plus the work OWMC has done. In fact, the OWMC is a pretty good example. Its environmental assessment was finally submitted, I think, in November 1988, about three years ago, and the hearing is almost done. It shows the Environmental Assessment Act can work.

Ms Haeck: The local people have some very strong concerns, I would like to add.

Mr McClelland: Gentlemen, thank you for being here. You will hear from time to time that Bill 143 is a good bill, that it is pro-environment. I submit to you that there are elements of it that are, but I would also say that there are sufficient elements of Bill 143 that do not justify the pro-environment portions. I speak specifically of part IV.

Much of that is laudable. I think nobody around this table would disagree with the goals and objectives set out in terms of reducing and managing and controlling garbage. Nobody takes issue with that. But what we are dealing with here is a situation where the government is saying: "Because there are parts of it that are good, of necessity all of it must be good. Therefore, we're going to push it ahead and we don't want to listen, because we know best." I think it

is important that you understand, as you come here today, that you are dealing with a situation with a government that is saying: "We don't want to be scientific because we know best. We don't want to necessarily be environmentally sound or friendly, because, again, we know best."

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You, Mr Blue, have pointed out that Bill 143 does not allow full process. It is terribly inconsistent. You have said that Bill 143 is not scientifically justifiable, nor is it environmentally justifiable. You would not say, but I will say that by extension it does not take a great deal of imagination to draw the thread and say that the government in its mindset is looking backwards, that it is not prepared to look forward or to be creative. It is not prepared to look at all options, to withstand scrutiny and objective debate on issues that are put forth. It is also not at the end of the day fundamentally concerned about the environment; it is fundamentally concerned about ideology with the attitude, "We know best."

You laid it out very clearly. The government is saying, "We will reserve unto ourselves all the power, because we can"—or "I can," as the case may be, the person sitting in the office, the minister or the cabinet; I do not know where it is coming from precisely. "We'll tell you what's best for you." The problem here is that you are not fighting logic. You cannot fight it, I have come to conclude, on the basis of laying it out in that way. What you are fighting here is doctrine, a doctrinal, ideological mindset.

On page 2 you talk about the concept of equity. That is often brought out, the concept of social equity being that each region must deal with its own garbage. That is all well and good, but we do not want to talk about the logical extension of that, which says that the production of a product that is sold elsewhere has the component of waste attached to it. You can only take the concept of equity if it fits the model. There is no opportunity to consider facts that do not fit the ideological model. So you have a problem with that in terms of a sustained argument about equity.

You have the problem with the, "We know best," attitude. It does not matter. "Even when we're inconsistent within the context of the bill, even when we're inconsistent in terms of our promises made, it doesn't matter, because we know best."

I have a letter here dated March 7, 1989, to the then minister, James Bradley. It says:

"I am writing to urge you, in the strongest possible terms, not to exempt from the Environmental Assessment Act the proposal of Metro Toronto to extract clay," north of Keele....

"I suggest that for you to waive the requirements of the act...would run counter to everything that you have said in your term as Environment minister about sound waste management and environmental planning."

That was 1989. In August 1990 it was okay for the Premier to make a promise and it was okay for the minister to make a promise. But now it does not matter because, "It doesn't fit our ideology," and that is the problem you are up against.

What I would like you to do is comment, if you can, on some of the things that may begin to cut through this. I

would like you to touch base on some principles you began to talk about, principles about fairness and democracy and what is right and proper, principles about participation and the right of citizens to know they are being heard and considered in allowing their case to be put forward.

What is good for one is good for all in this business. It is not a set of rules for the government. It is not a set of different rules for people who are in the GTA. It is not a different set of rules for IWA. It is the same set of rules for everybody, applied consistently across the province. I would like you to comment about fairness and I would like you to talk a little bit about integrity and consistency, if you can, from a logical point of view with respect to the impact of Bill 143 on the municipality of York.

By the way, I forgot to say who signed the letter, my colleague Mrs Fawcett points out. It was signed, "Yours sincerely, Ruth Grier, MPP, Etobicoke-Lakeshore."

Mr King: I would like to speak first regarding the fairness question, and I would relate my response to the honourable member for St Catharines-Brock, Ms Haeck, and the comments she made about her riding. I do not wish to become involved in the debates on one side or the other, but the region of York believes to the same degree as you do about your riding and we are willing to accept our fair share. We are willing to help others. We just ask that you search out the best possible location for whatever component has to be disposed of, whether it is in the region of York or in the locale of St Catharines or in Dufferin county or wherever. We just ask that we be given the opportunity to be exposed to the same rules as everyone else. I do not know how you can suggest that York has the right site before you examine all the alternatives. That is how we would like to respond to the fairness question. I will ask Mr Blue to comment on the integrity of the situation.

Mr Blue: I think the chairman has come to the heart of the issue. The NDP is a party that I as a lawyer have always looked up to because it protected the environment and always fought for civil liberties. Yet I feel betrayed by this bill. I feel betrayed by this bill because when they were in opposition, with my support they said that all these landfill projects should be subject to the Environmental Assessment Act, that there should be full participation and consideration of all alternatives, and that we should have the environmentally best decision for Ontario. In this bill, the same people who were arguing that say, "We do not think our ideas need to be subjected to any such public scrutiny." So this bill is, I guess, unfair in that it takes one particular group's sacred cows and puts them above any independent and objective consideration before the Environmental Assessment Board.

These positions the government is taking are highly arguable on a scientific-technical equity basis. I do not think anyone you will hear who is knowledgeable, who is in the know about incinerator to transportation who will support the government. Yet those views are not going to be put to a hearing. No one who supports them will be subjected to cross-questioning by people who are knowledgeable, and the independent board this province has created to resolve these issues will not be allowed to resolve them.

Why? I think that is dreadfully unfair and it is definitely anti-environmental. I feel very disappointed.

Mr Cousins: I am concerned about one of the issues raised in your presentation, Mr Blue, Mr King or someone else. I am concerned about what you said about consultation. The New Democratic government, when it came to power and since it has been in power, continues to talk about its ability to talk with people and to share and to get the best information on which to act. You indicate that this power grab was not negotiated in advance and no fair debate about this responsibility has taken place between the two levels of government. I would like you to elaborate on that or explain it or give some reference on it, because you are out there at the grass-roots where it really happens. If that is the case, then I would like to see the basis for this statement.

Mr King: Mr Cousins, I do not wish to allow this particular question time to become totally partisan. There are many opportunities and situations we could present. I think Mr Blue pointed out that we have always looked to the government that is in power in Ontario at this moment to protect those rights that give us equal opportunity and equal advantage, and we were fortunate to have it do that for us.

It is almost unbelievable to me that this bill absolutely and totally demands that the region of York accept Metro waste. There is no justification to the thought, other than that there is a so-called crisis. It is most unfortunate that we have had an economic downturn that has generated one heck of a lot less waste than would have been generated otherwise—the waste crisis is now over—because the sooner we get back to having a crisis as it relates to the matter of the economy, the better off we will be. But I believe we should have the same opportunity as everyone else does and should find the best place to deposit the waste.

Mrs Mathysen: I noted that you say on page 11 that incineration option would “establish modern, state-of-the-art incinerators in the GTA” and “provide high-technology design jobs, construction employment, capital investment and permanent jobs,” and that there would be spinoff jobs. I was quite interested to see you noted that in this report.

What I am more interested in perhaps is what you have excluded. You have excluded the fact that incinerators are very expensive to build and maintain. You have excluded the fact that for every 3,000 tons of garbage you burn, you create 1,000 tons of toxic ash. Now you talk about the efficiency of the stacks which minimize the health risk, but you have forgotten the Catch-22 that the efficient stack makes the ash that much more hazardous, that much more toxic, and it has to be landfilled anyway.

This morning we heard from Dr Paul Connett, who by virtue of the fact that he is a professor of chemistry is indeed a scientist. His presentation was quite excellent, quite convincing. He said that incineration was not an environmental option. In fact he said that even if it could be proven safe, which I doubt it could be, it would not be sensible. Incinerators eat garbage, they need garbage and they are contrary to the 3Rs. Would you agree that keeping

valuable resources, recyclables, reusables, making use of these resources, makes more sense than that?

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Mr King: We totally agree with the premise and the objectivity of maintaining and keeping, reusing—whatever word you want to use—out of that waste stream. We were talking about the alternatives used to manage the disposal of the balance. We are not debating the other.

Mr Blue: Mrs Mathysen, to deal with your points, everyone supports that the 3Rs are the preferable and the highest waste treatment forms on the waste hierarchy. What we do not all agree about is what you do with what is left after you 3R. You mentioned Dr Paul Connett. I know his work. I know he is an extremely partisan speaker against incineration. Most knowledgeable incinerator persons I have spoken with, and I refer to virtually everyone who attended the University of Toronto symposium on incineration in June 1990 and spoke about incineration technology, would disagree with him.

I want to deal with your comments about incineration as expensive to build and maintain. I suppose so, but so is landfill by the time you tot up the bill that you are going to pay for the Interim Waste Authority. The incinerators are totally within the means of the greater Toronto area.

With respect to 100,000 tons of toxic ash, incinerators do not alter the law of conservation of matter. If it was toxic after it was burned, it was toxic before it was burned, only there is less of it. With respect, to put those toxics into a landfill untreated is much less responsible than reducing the toxics completely.

With respect to the concentrations, is the member suggesting that dilution is a solution? Are you suggesting that it is much better to dilute? If so, that comment is, I think, contrary to all environmental policy of this province for the last 20 years. Sure, if you landfill it you are going to be landfilling a lot less in total; I think that is the point about incineration. Incinerators can be operated well within provincial standards. If they were not, we would not have any operating in the province because the ministry would have shut them down.

Mrs Mathysen: I believe Dr Connett did not say that you simply dilute the toxins and then bury them. That is perhaps not quite accurate. He suggested that they be completely removed.

What I would like is a list of those experts from this symposium. I would like to know who they are and who they represent—I would appreciate that very much—and what they have published.

The Chair: Could you accept that as a question of notice on the record and provide that to the committee in writing at some point in the future?

Mr Blue: I would have been surprised if it had not been asked. I will do that, Madam Chair.

Mr McClelland: You have extensive experience across the province. Mr Blue may want to confirm this. Correct me if I am wrong if you will, but my understanding is that it is conservatively estimated that it is in the range of \$750,000 per acre for an engineered landfill site. I would appreciate some comment on that. Further to that,

gentlemen, I was wondering if you could help us in terms of the impact that implementation of Bill 143 in its present form would have on the taxpayers of your community and on the taxpayers of the region. You may even have some insight with respect to the taxpayers from Metro as well. I am sure you can concentrate it in terms of financial impact on your own specific jurisdiction.

Mr King: Certainly there is financial impact. It is being noticed right at the present time, because in the present agreement we did not necessarily include and negotiate all the highways etc that should have been in place. It is causing a great deal of disservice to many of our communities, including the movement of clay to permit the cover on each day's activity. I do not have a dollars-and-cents figure on that for you this afternoon, Mr McClelland. Bill 143 is very indicative of the that we would not have the opportunity to negotiate and include all the impairment we would have to expect. Certainly we would be subjected to many costs we would not have control over.

Mr Cousins: We had hoped the ministry would make available a list of possible landfill sites that would be selected. We did not receive that list prior to these hearings and it is not going to be available to us until this bill is passed. Yet it opens up the question as to what will happen in York region, as you might understand. Could you explain what you see happening? Could you give us some forecast of what is going to happen with the future selection of landfill sites?

Mr Blue: We have talked to the Interim Waste Authority and we were told at one point that there would be a list of those sites published after, I think it is, the second phase of the process. That seems to have been frozen once it was announced that this bill would be considered by the committee. We believe they have that list and are holding on to it until the bill is passed. Why, I do not know. They are a legally incorporated body. They can do their work, they are being funded and they should get on with their work. I think it is unfortunate that the IWA is withholding relevant information from the Legislature.

Mr Cousins: That is my point and I see that as grievous in the extreme.

The Chair: Questions for the record: Mr Wiseman, Mr McClelland, and then there are a couple of minutes.

Mr Wiseman: My question is to the IWA. Are you withholding information on long-term lists or have you not compiled those lists?

Mr O'Connor: Thank you for raising that, Mr Wiseman. Actually a point of clarification I was going to raise now anyway was the fact that there is no list at this point in time. You can rest assured on behalf of the residents of York region that there is no list right now. In fact, the IWA has been directed to look inside Metro as well.

Mr McClelland: Since there is no list, I am going to ask that the IWA or the ministry put together a list of those sites that have had preliminary examination and make that list available to this committee as soon as possible. I would ask that it be done by the beginning of next week. It does not have to be formally an IWA list, but it can certainly be

a list of those sites that have had preliminary examination and that list surely can be pulled together.

Mr Cousins: I concur with that request.

The Chair: Chairman King, I have reserved about four minutes for you. If there is anything you would like to sum up for the committee, please do so now.

Mr King: Mr O'Connor said that the IWA was now directed to look within the boundaries of Metropolitan Toronto.

Mr O'Connor: Within York and Metropolitan Toronto.

Mr King: Was that not always the case?

Mr O'Connor: Exactly. There seemed to be some inference that it was only going to take place within York region. That was why it was a point of clarification.

Mr King: I think that is quite clear without looking too far, but I was certainly happy to hear you include Metropolitan Toronto. The part that bothers most about the bill, as you read the documentation regarding the site-selection process, is that if you can come up with arrows pointing anywhere else than the region of York, I want you to give me documentation that would prove to me that such is the case. All we ask again, and I reiterate and emphasize, just give the region of York the same import opportunities as any other municipality in this province, and give Metro the same export opportunities as any other municipality in this province.

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The Chair: I would like to take this opportunity on behalf of the committee to thank you for appearing today. If there are other pieces of information or anything you feel would be helpful to the committee during its deliberations, please feel free to communicate with us in writing. Anything we receive prior to February 14 becomes part of the public record. If it is after February 14, all members will be made aware of it. We appreciate your participation. I also would like to acknowledge the number of municipal representatives who have come from York region today and thank them for their attendance at these hearings.

Mr King: On behalf of the delegation we thank you for your attention and understanding.

CITY OF VAUGHAN

The Chair: The next deputation is from the city of Vaughan. I ask her worship the mayor to come forward and begin the presentation by introducing her delegation. There is a full hour for the presentation. We ask if you would leave as much time as possible for questions from committee members. If you wish, I will reserve a few minutes at the end for you to be able to sum up.

We will give the mayor a minute while the room is being cleared. I ask that everyone do that as quietly as possible so that we can have full attention for the delegation from Vaughan. Would you begin your presentation now, please.

Mr Jackson: Madam Chair and honourable members, I want to tell you how very pleased we are to have this opportunity. The city of Vaughan asked for this opportunity and we are extremely pleased to be here in front of

you. I would like to introduce first Mr Scott Somerville, our chief administrative officer and also chairman of our Keele Valley liaison committee, which consists of members of the Ministry of the Environment, Metropolitan Toronto and the city. Our solicitor is Mr Tom Lederer from Osler, Hoskin and Harcourt. He is representing us today.

I want to say very clearly to all members that I consider myself to be an environmentalist. I sit on the Association of Municipalities of Ontario's environmental committee. I sat on the trees committee of AMO and the Ministry of Natural Resources. I am also well versed in municipal affairs, as I am the vice-chair of the Association of Municipalities of Ontario's large urban section. Keele Valley is in my municipality. In fact, I can see it from my office window. It is not owned by us. This is something that some people miss. Keele Valley is owned by Metropolitan Toronto but is located in the city of Vaughan.

First, let me make it very clear that I understand there is a need for the provincial government to take action to improve waste management in this province. But Bill 143 does not do it. Bill 143 was drafted with no consultation with any municipality, certainly not with the city of Vaughan or the Association of Municipalities of Ontario. It is severely flawed. In fact, many feel it is a very dangerous piece of legislation. I have had the opportunity to read the comments made by the Honourable Ruth Grier to your committee on Monday. I was pleased to see that she already recognizes the need for some amendments.

She outlined the principals of her approach to waste management strategy: (1) to put the environment first, (2) to promote a conservor society and (3) to prevent pollution. Bill 143 may promote a conservor society but it fails badly where the other two are considered. It does not put the environment first and many are concerned that pollution may result from hastily approved emergency solutions.

The honourable minister also explained her reason for Bill 143, stating by way of explanation that the Solid Waste Interim Steering Committee "was moving slowly and its specific plan was one which this government could not support. That proposed solution was to meet the impending waste crisis with two new interim landfill sites, in Brampton and Whitevale. These sites were granted exemptions under the Environmental Assessment Act. Our party, in opposition, had clearly stated that this was not acceptable."

Mr McClelland stole my thunder a little bit with the letter, which I also have, that was addressed to the Honourable Jim Bradley, signed by Ruth Grier, expressing her great concern that the Keele Valley landfill site was not going to undergo a full Environmental Assessment Act assessment. I have copies of that letter for everyone.

Bill 143 effectively exempts Keele Valley from the Environmental Assessment Act, the very thing that the now minister, Grier, objected to a few short months ago prior to her taking office. How can the minister justify such obvious contradictions and inconsistencies, especially when there is no crisis at Keele Valley?

The bill does not appear to recognize that a Metropolitan Toronto works department memorandum reported that staff of the Ministry of the Environment estimated another seven to eight years of additional life remains within the

existing approved capacity at the Keele Valley landfill site. Since there is no crisis at Keele Valley, what is the need for such emergency measures, particularly as they apply to Keele Valley? Why should the concerns about the environment outlined by Mrs Grier in her letter be ignored for expediency?

There are many concerns about this bill. I would like to touch on some others I just heard mentioned. The municipalities outside the GTA are upset because although they do not like the arbitrary methods that are being employed and the erosion of municipal rights, they do recognize that amendments must be made to the Environmental Assessment Act. Their point is: Do not attempt a Band-Aid solution for the GTA only; improve and streamline the Environmental Assessment Act for all communities in Ontario.

York region and Metro Toronto should not be lumped together in the long-term search. The chairman of the region has just gone into this. I will not go into it any further but just say that it does not make any sense to lump York region and Metropolitan Toronto together. We are told that because we are a municipality surrounding Metropolitan Toronto, we all share in the benefits of Metropolitan Toronto. Then should we not also all share in the disadvantages of Metropolitan Toronto? Why is only York being singled out?

The minister has said "out of sight, out of mind" when it comes to her opposition to shipping to Kirkland Lake. From a practical standpoint, how will waste being deposited in Vaughan influence how an individual person or manufacturer handles his waste in, say, Scarborough or Mimico?

The minister's preferences with regard to incineration and rail haul should not be enshrined in legislation, particularly when you realize this is not an environmental bill; this is a GTA bill. I do not wish to get into incineration. I do not know if it is a good idea. You do not know if it is good. But there are experts who should debate this. Incineration and rail haul may or may not be the solution, but they should be investigated thoroughly before they are so completely outlawed and enshrined in this bill. I believe this is a classic example of, "Don't confuse me with the facts."

We have distributed to you in these red folders the more legal side of our concerns. I would like to touch on them very briefly and then I will let our solicitor get into them more fully.

There are three basic flaws in Bill 143. The first is the removal of environmental and democratic rights. Bill 143 removes the rights of citizens to question decisions that will have important impacts on their homes, their families and their environment.

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Ontario law protects against premature or unwise waste disposal decisions by providing citizens with the right to be heard by an independent tribunal at a public hearing, the right to question environmental proposals and the right to examine alternatives. Ontario's Environmental Protection Act and Environmental Assessment Act provide citizens with the right to public hearings before an independent tribunal on matters of public waste management. Normally part IV of the Environmental Protection Act would allow the Ontario government to allow for an environmental

assessment before consideration of the extension, alteration or a lift at Keele Valley landfill.

However, under part III of Bill 143, the provisions of these and other laws that apply to waste management questions would be overridden in so far as they apply to the citizens of the GTA. Bill 143 would therefore discriminate against the citizens of Vaughan, other municipalities, and ultimately against our environment by removing long-standing environmental rights. It would establish two classes of citizens, two sets of rights and two classes of environmental protection. There must be only one set of rights for the citizens of Ontario. Ontario citizens are also protected by the democratic right of their elected municipal representatives to enter into binding agreements and contracts on waste management problems.

This is the case between the city of Vaughan and the municipality of Metropolitan Toronto. Vaughan retains various contract rights with respect to Metro's ownership of the Keele Valley landfill. Part III of Bill 143 would override binding contracts such as that between Metro and Vaughan and would also remove Vaughan's right to compensation for expropriation, its right to preserve territorial integrity, its right not to pay for unwanted projects and its right to not take on long-term financial obligations that may be unwanted by its taxpayers. It is the position of the city of Vaughan that the environmental and democratic rights of citizens and municipalities should not be considered impediments to be arbitrarily overridden by provincial legislation. Part III of Bill 143 should therefore be removed from this act.

Second is the transfer of power to non-accountable sources. We are also concerned that the removal of environmental and democratic rights under Bill 143 will be accompanied by, and largely achieved through, the delegation of responsibilities away from the Ontario Legislature to the cabinet, the Minister of the Environment or unaccountable employees of the Ministry of the Environment. Clause 17(8)(d) of Bill 143 would allow the cabinet, by regulation, to override any acts of the Legislature in order to enforce ministerial orders. Subsection 17(2) would permit the minister to amend ministerial orders without regard for local concerns, statutes such as the Environmental Assessment Act or any other requirement for review by the Legislature.

I understand that when the minister spoke to you on Monday she stated her intention to amend section 26, which would have permitted the director of approvals to override contractual arrangements or statutory rights in order to force municipalities to establish, expand or discontinue waste management systems. However, several other sections contain reference to the delegation of authority to a director from the minister. These sections provide for a dangerous erosion of political responsibility. They should all be removed.

Our third concern is for implications beyond the greater Toronto area. Bill 143 sets a very dangerous precedent for citizens of all municipalities across Ontario. Clause 136(4)(k) and 136(4)(l) would give the cabinet the regulatory authority to require municipalities to establish waste sites or waste management systems and to further

order those municipalities "to maintain, operate, improve, enlarge, alter, repair or replace the waste disposal sites or waste management systems or systems in such manner as may be specified in the regulation." In effect, these clauses allow the Ontario cabinet to replicate the extraordinary measures contemplated in Bill 143 in any community where it might deem there to be a real or a perceived garbage gap.

With over 100 landfill sites scheduled to close in Ontario over the next two years, this raises the spectre of rule by arbitrary decree. In allowing the government, by regulation, to impose on every municipality in Ontario the non-reviewable orders that Bill 143 imposes on the GTA, Bill 143 overrides and renders useless all provincial legislation dealing with waste management. It is an affront to the environmental and democratic rights of all Ontarians.

The city of Vaughan recommends that the above-mentioned clauses be removed to ensure the protection of the democratic and environmental rights of citizens all across Ontario. We have to recognize here today the need to improve legislation to deal with waste management. Bill 143 just does not do it. But I would like this committee to look beyond waste management today. This is a rights issue. We had a rally on the steps of Queen's Park. We had hundreds of our residents out because they were concerned about their rights. These citizens took time off their work in the middle of the day to come down here to say to you all, "You are infringing on our rights."

This is a fundamental issue of rights: (1) environmental rights, (2) democratic rights, (3) the right to hold hearings, (4) the right to examine alternatives and (5) the right to consider what is best for the environment and people's homes and families. There is no reason to take such drastic measures as are embodied in this bill. Each of you, regardless of party, must ask yourself, "Would my constituents want their rights removed?" That is really the bottom line. We can assist this committee in making amendments to this bill that will find solutions without removing the environmental and democratic rights of citizens of Ontario.

I will now ask our solicitor to go over some of those suggestions.

Mr Lederer: Before I begin any submissions or statements to you with respect to the content of the bill, I will explain to you how these two red books work, so that if you have an opportunity to review them in the future, as I hope you will, you will see how the two of them fit together.

Mr Cousens: The red is for Greg Sorbara.

Mr Lederer: Ours is a completely non-partisan delegation, Madam Chair.

Mr Cousens: Well, it is red.

Mrs Jackson: We could not find the right colour.

Mr Lederer: It was obviously the right colour, Madam Chair; it attracted attention.

Mr Cousens: It would be better if it were blue.

The Chair: Mr Cousens, look what you have provoked. I am going to have to call order and I am going to have to deduct it from your time.

Mr Cousens: You are worse than my wife.

The Chair: Please continue.

Mr Lederer: The smaller of the two books is the substantive material we seek to place before you. It has, as you will see, four tabs, each labelled with a letter. The first of the tabs is a resolution of the corporation of the city of Vaughan indicating its support for the position that is taken here this afternoon by the mayor. The second is a one-page executive summary of the brief, which is meant to again outline for you shortly the basic points outlined by the mayor. The third is the substantive brief, which we hope you will see as non-partisan but as a careful analysis of this bill. It is meant to indicate to you some of the weaknesses we see in it, which we will hope you will see as supporting the position that is being taken this afternoon on behalf of the corporation of the city of Vaughan.

Finally at the fourth tab is an annotated copy of the bill. If you look at this document, you will see that on the left-hand side, in typical typescript, is the bill itself. On the right-hand side, in italics, are various comments with respect to the bill that are meant to outline to you the nature of our concerns and comments arising from the wording of the legislation itself.

As a general proposition, this brief is designed to raise with you several significant issues. First, over the last 10 to 15 years, an impressive legislative scheme has come into place in Ontario, one which is replete with opportunities for public consultation and replete with opportunities for public hearings and public debate over the kinds of issues raised by the problems concerning waste disposal in this province.

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If I can try to give you some indication by reference to the acts of the sorts of protections that are in place, or are affected by this bill, we have for the purposes of the brief broken these protections into environmental protections and democratic protections.

First of all, environmental protections: The Environmental Assessment Act is a significant piece of legislation. It adds dramatically to the planning process of environmentally sensitive projects in the province. Most particularly, it requires a proponent to examine all reasonable alternatives and to compare the environmental impacts of those alternatives to the proposal they seek to take forward and have approved.

Those studies are subjected to a hearing and to full public disclosure and debate. The Environmental Protection Act, and particularly part V of that act, deals with the technical requirements of a landfill. Can a landfill be properly and safely operated in the location that is proposed? Again, for any significant landfill, it is subjected to full public debate at a public hearing. Even the Planning Act, an older piece of legislation dealing with land use development, requires the Ontario Municipal Board, in considering official plans or official plan amendments, to have regard to environmental matters. These are the kinds of environmental protections that are presently in place.

The second area of protection is democratic protections. These we have defined as the ability of the local municipality to influence events. For example, in the Municipal

Act and in the various regional acts there is the requirement that before another municipality acquires land or seeks to operate a landfill within those boundaries, that regional municipality or the local municipality has the opportunity to give its consent or to refuse it, and if refused, to have the matter go to a full public inquiry for full public debate in front of the Ontario Municipal Board. It is that requirement for consent that allows municipalities to negotiate with those who seek to place these landfill sites and to impose terms by contract on the people who seek to operate and place those landfills.

There is even within these rights some protection for individuals to see that decisions by their municipal governments are made in a financially responsible way, because no council can commit funds beyond its current term without the approval of the Ontario Municipal Board.

This whole series of protections with respect to the expansion of Keele Valley, the expansion of Britannia Road or the location of transfer stations in Durham for the interim have been removed. They will be gone. The consents required are deemed to have been given, with no ability now to negotiate contracts. Those contracts that presently exist are gone. There is a very significant contract between the municipality of Metropolitan Toronto and the city of Vaughan that deals with the operation of Keele Valley and with some decisions over the final contours, with royalties and with access roads. Those protections disappear with respect to these expansions if this bill is passed.

Section 64 of the Ontario Municipal Board Act, the section that allows the Ontario Municipal Board to have some jurisdiction to look at the financial obligations being undertaken by municipalities, is gone. All of this is replaced by a notice to be given to the public with 21 days to respond, and then, without further consultation, the ability of the director of approvals to issue a certificate of approval.

This may beg the question of whether these hearings are really useful, whether they accomplish anything. May I give you just a couple of examples.

Last year it was proposed that a new clay borrow pit be opened to service and provide cover material, liner material, to the Keele Valley landfill. The proposition was made that this was urgent and necessary. The board did not feel it necessary even to complete the hearing before finding that in fact it was not necessary and that a proper case was not being made. These hearings can demonstrate whether or not the real urgencies that are claimed are present.

There are at least two landfill applications that have been made in the province and refused by the board. Had they been considered urgent, they would with this legislation have been placed and applicable and would now be operating. These hearings do serve a function and they ought not to be turned aside. When the mayor speaks of rights being withdrawn, these are the kinds of rights she is speaking of.

The mayor has also referred you to the idea that this bill will see a shift of responsibility, a shift of political accountability and a centralization of the responsibilities in this area. Clause 17(8)(d) of part III is the catch-all phrase that basically says, "If there is some legislation we have not yet set aside in this bill, we will do it later by regulation."

What that section says is that if some other act appears which is relevant to this proceeding, then cabinet can override it by regulation. It will not go back to the House. It will not be considered by the Legislature, and that, in my submission to you, is a real movement of power and responsibility from the Legislature to the cabinet.

Reference has been made to the fact that the minister has now agreed or proposed that she amend section 26, which is itself an amendment of section 29, so that the kind of report issued last August that directs the region of Peel, the municipality of Metropolitan Toronto and the region of Durham to deal with waste—she will still maintain the responsibility for those kinds of reports rather than move them to the director. That is not the significant role the director has been asked to play. Really, as Mayor McCallion suggested to you yesterday, in those circumstances, what is the difference between the director and the minister?

In these circumstances, under subsection 18(2) the director, having determined not to hold a hearing, is permitted to impose conditions that override conditions that the regional municipality may want or that the local municipality may want—may want, not just have imposed. The director, a bureaucrat, overrides the elected officials of these municipalities. That is a movement from elected, accountable officials to a civil servant and is not appropriate. These are the kinds—not the only ones—of power shifts that are apparent in this bill and that will apply to these expansions if the bill is permitted to pass.

The mayor has referred you to the fact that these powers can now, by regulation—you will find this in part II; I believe it is subsection 33(2)—be extended, with passage, to any other municipality in the province. We are not just dealing with the GTA perspective. We are dealing with virtually every municipality in this province. It will not come back to the Legislature if this bill passes.

The third point the mayor has raised with you is the notion of the Environmental Assessment Act and the impact now of the Interim Waste Authority and the powers given to that agency. As I said at the outset, the most important addition the Environmental Assessment Act makes to the planning process in Ontario is the requirement to look at all reasonable alternatives. With this act all reasonable alternatives in the GTA are removed. Incineration is removed; hauling outside of the GTA to Kirkland Lake is removed; multiple sites are removed.

It is my summation to you that the issue is not, as was perhaps suggested in the last exchange between Mr Blue and the members, whether incineration is good or bad; the issue is whether or not incineration, as an alternative many people find reasonable and are prepared to support, is going to be tested by a full environmental assessment process and a full debate before the Environmental Assessment Board.

One of the documents we have quoted in part in our brief is the decision of the Environmental Assessment Board dealing with an application for an incinerator in the region of Peel, the so-called SNC Inc case. What the board said, in that case, was that incineration in that application was a reasonable complement to other waste management technologies and that it fell well within the safety factors

we ought to be guarding against. It was found in that case to be a reasonable alternative.

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We have provided you with the article that was in the Sunday Star not that long ago, indicating the way incineration is relied upon in Sweden and in Denmark. Maybe in a particular case in the GTA it would not be approved, but it bears to be tested by environmental assessment, not to be jettisoned in this bill without any kind of technical support.

I understand that you heard this morning from the people who support the rail haul. Many people do support it. The brief indicates to you that the city of Vaughan is prepared to support it and to support the idea that the transfer station would be located within its boundaries. Maybe it will not pass muster at the board, but many people feel it is reasonable. Many people have spent money studying that process. It deserves to be studied by the board, an independent tribunal. If the ministry is truly opposed to it, it has appeared before the board before and opposed matters and it can oppose this, but at least then it is subjected to the full inquiry that our present legislative scheme foresees.

If the principle “out of sight, out of mind” means people will not be as conscious about the 3Rs, then perhaps we ought to have more landfills nearer to more people. Multiple sites then, if they can be justified on a technical basis, would seem to be a reasonable alternative. They are ruled out here. They deserve to be studied. Maybe they should be ruled out. Maybe a single site for all of the GTA is what is appropriate. We do not say they are right or they are wrong, only that to withdraw them without the technical background and the kind of public examination the present legislative scheme calls for is not appropriate. It is a kind of ad hoc amendment to the Environmental Assessment Act that ignores the comprehensive work being done by the environmental assessment program improvement project to see whether or not there are real amendments that can be made that will recognize the central core of this act; that is, the need to look at alternatives and yet allow it to be a more expeditious process, one that can be done perhaps even more cheaply.

What is the basis for all these changes, for all these amendments? It is the idea that in the GTA we have an urgent problem. We have quoted for you in our brief some of the more recent statements, all of which I am sure you must now be aware of, which deal with that urgent call. Metropolitan Toronto's own estimates now say that the Keele Valley site will remain open to its present approved contours until 1999. Is it the beginning of 1999 or the end? You have seven or eight years, from those dates, to find a proper replacement. That is plenty of time to operate the legislative scheme in place.

If the recession ends and times boom and the predictions of 1996 come to the fore, are we really so sure today, given all the work that has already been done, that we cannot complete an environmental assessment by the end of 1994 or 1995 and allow for the construction of a new site? It is too early to make that determination. Even if you want to make that determination now, you still have available to you the provisions of the Environmental Protection

Act and the hearings called for now under that act. That is available now.

It is quite typical for the ministry presently, without any change to legislation, to exempt the application for some particular landfill from the Environmental Assessment Act and then leave part V, that is, the section 30 hearing under the Environmental Protection Act, in place. That can be done now. You do not need to take away people's rights. You do not need to threaten. You do not need to put in place the ability to do it to others later. You can do it now. In fact, that is traditionally what has been done by the ministry to deal with these problems. There is no urgency and this bill is accordingly misconceived and ought not, in our submission, to be taken forward.

What the city asks is that you recommend that this bill simply not be considered further. In the alternative, we ask that you reject part III as being unnecessary and those parts of part IV—there are some of the regulation-making powers to which I have referred—that allow for the enlargement of the scope of part III. Obviously, they are part of that same scheme.

The Chair: Thank you for your presentation. Are you ready for questions?

Mrs Jackson: Yes. Time is getting on and I would rather have the option to answer questions.

Mr McClelland: At the outset let me say, Mr Lederer, that this is one of the most comprehensive reviews, in the short space of time available for a legislative scheme, that I have ever heard. I want to congratulate you on that. I urge my colleagues on this board from all sides to work their way through it—it will take some work—and to begin to understand some of the things you were talking about.

We spoke in opposition in an attempt to get this to hearings, which was a major hurdle, to get over the hump and get this thing into public hearings for people to begin to understand that there were some fundamental legal principles that were at stake here. It was very reluctantly, I say, that you have had the opportunity to come here—very reluctantly on the part of the government—to begin to make the case as somebody who is exceptionally well qualified in the law and has extensive experience in this. I thank you for that. I thank you for drawing attention to some of the principles that are at stake here; for example, the fact that this may spill over into other parts of the province without consideration by my colleagues opposite or any of us here. It may happen and we would not even know about it until after the fact. That is contained; it is not simply a GTA bill. It has implications across the province.

As well, you drew so very well to our attention the fact that it moves the ability into a regulatory process without accountability—it could be done behind closed doors—and how that is so contrary to all the principles we believe in and one of the reasons we are here and elected to serve here.

How did you find out about Bill 143?

Mrs Jackson: I got a call late one night from Mr Somerville that Mr Lederer had happened to notice a little piece in the paper about it. That is how we found about it.

Mr Lederer: I would love to take the credit for it. It was not me. It was another.

Mrs Jackson: It was one of our solicitors.

Mr McClelland: Let me tell you that my colleague Greg Sorbara from your area, and others, were distressed to learn that this bill was introduced without ministerial statement. The rationale was this: "It embodies the principles of the Environmental Assessment Act in any event and we are just going to carry it forward." You, sir, have done a superb job in outlining how it is anything but, that it runs completely contrary.

Madam Mayor, I am going to ask, with your indulgence, to read into the record something that summarizes it. I would ask either you or counsel to expand on it and perhaps again to summarize, because I think it bears repeating. We have to begin to understand what is at stake here in terms of Bill 143. This is a letter to the Honourable Bob Rae over your signature, Madam Mayor, dated November 21:

"You and your government have always supported public consultation and the need for people to be heard. Now your government is removing our rights, as established, not only by the Environmental Assessment Act, but by every other applicable piece of legislation.

"Your party was not elected to remove these rights but, rather, to support and enhance them."

I do not know what more I can say in terms of the assessments you have done of the bill. My colleague has a question she wants to put to you, but I wonder if you would again try to encapsulate, if you can, in a couple of moments, what this is doing to the fundamental evolution of law in terms of environmental protection, how it puts that in jeopardy, how it puts it out of the public view, not accountable to the Legislature, and pushes it into the back rooms, if you will, the closed doors of cabinet.

Mrs Jackson: I believe that is definitely a legal question and not a political one.

Mr Lederer: The whole thrust of the development of this kind of legislation in the province has been dedicated to the central importance of public consultation. In fact, public consultation, you may be interested to know, is not actually referred to anywhere in the Environmental Assessment Act, and yet it has become an integral part of any environmental assessment process. You cannot submit an application to the ministry or go before the board if you have not had an intensive program of public consultation. It has been inherently part of our land use planning process for much longer. Many of you will know that the Ontario Municipal Board goes back really before the war.

All of that fundamental core is jettisoned and thrown out with respect to these expansions if this bill is passed. It is a denial of everything that has formed the foundation of this legislative scheme over the past 10 to 15 years.

1540

Mr Cousens: Welcome, Mayor Jackson. I see a number of your councillors here as well, and following on the region of York's presentation, I am very impressed. I want to go back a step and say I have been impressed by your personal commitment and the council's commitment for a long time on matters pertaining to environmental concerns. I do not think anyone would have had the acclamations

you just had, had you not been taking the leadership role you have on those matters within the community.

I will go on record with one more statement. Having once represented a part of Vaughan and now living in the neighbouring riding of Markham, I would like to put on the record that Greg Sorbara, the member for that area, and I have shared a common concern about the things you have presented today. I think there are times when you drop the partisan role and I would like to go on record that I am confident he would have been here had it not been for other matters within the Liberal Party at the present time, but as his neighbour, I know his presentations in the House and otherwise have been of the highest nature and calibre in support of the presentation you are making today.

The Chair: Do you think I should add back the minute I deducted?

Mr Cousens: I do not know. I teased at the beginning and then I started feeling guilty. There is an element here where I think we should, if possible, drop the partisan lines because we are dealing with the most sensitive thing we have been given, and that is our environment. On matters that pertain in York region, there has been a very strong relationship among all the MPPs. Maybe we will be able to tie in the parliamentary assistant on this one and cause some reversals. There is still a hope maybe. Anyway, I am working on him.

I also would like to reinforce the statement made by my colleague Mr McClelland on the presentation. Outstanding is the best way to describe it and it is very much appreciated. We will try to go through it, but the problem is—you followed one of the best and now we have another one of the best, and it will go on.

I have just a couple of questions. One has to do with a legal challenge to this bill. Is there any way in which there could be any legal challenge? There are a number of elements you have raised having to do with civil rights, liberties and other matters, but is there any way in which, when we are reviewing this bill further in clause-by-clause, there could be a legal challenge to it?

My second question has to do with the clay liner. A presentation was made this week by officials of the ministry. I think if the minister heard those presentations—and I am sure she did—it had to do with the fact that the clay liner underneath this Keele Valley landfill site is one of the most advanced, refined clay liners ever made by man—or woman, whomever. Anyway, it is a real advanced clay liner. It would almost make one believe the more you put in on top of that clay liner, the more it is going to tighten the clay underneath it, so that is more reason to add more tiers to it.

I have a sense the ministry has been saying to the minister, "It's going to pass an environmental assessment anyway, so why bother?" Therefore, I would like to know some of your major concerns that would come out on why an environmental assessment is very important on the Keele Valley landfill site. So it is the legal challenge and the clay liner.

Mr Lederer: I know the question of the legal challenge was put to me so I will respond to that. We have had some cause to consider that question, although I would not

want to say that a complete or refined opinion has been prepared. As you know, it is part of our constitutional tradition that the Legislature, Parliament, is supreme. Accordingly, based upon those older traditions, you really could not attack a piece of legislation.

Having said that, we have had a major incursion into that notion with the passage, promulgation and action taken with respect to the Charter of Rights. Legislation must be consistent with the rights expressed in that charter. The issue you raise, or the question asked is, does this bill in some fashion offend the Charter of Rights?

The Charter of Rights is being interpreted in a way that suggests that while such an argument may be possible, it is highly problematic because the rights are really rights of individuals, and for them to make such a claim you would probably have to demonstrate some real, physical health harm or true risk to some individual. Finding such an individual may be difficult and extending it to the point of saying that it was not also within section 1 of the charter, which you may know is something that can be—even a breach of rights can exist if it is something that is reasonable in a free and democratic society, so there is a very strong test that would have to be met to overcome, even with the charter, the traditional notion of the supremacy of Parliament.

It is possible. It would be difficult to do. Whether, with a refined opinion in a particular case, we would recommend it is, first of all, something I am not sure I would say here if I knew but in any event, I do not know.

Mrs Jackson: As far as the clay liner goes, the lining of a pit to contain garbage—this is a sandpit on the Oak Ridges moraine. It is very porous, and the idea was that you would put some clay in, tamp it down, and it would contain all the leach and poisons that are going to pour out of this garbage.

It is basically an untried technology. They are experimenting as they go along. There is a huge question as to whether it is going to work or not. We understand from the ministry itself that in some places the leachate is already halfway through this clay liner and it has only been eight years. Is this clay liner going to work or are we going to pollute the Don River and eventually the drinking water of Toronto, and us? We do not know. That is why we feel very strongly that we need hearings. If the minister says, "Yes, we have lots of time and there is going to be time; we will have hearings," then why do we need this piece of legislation?

This is one of the problems we have with Bill 143. It says we are not going to have the opportunity to find out whether water is going to seep through this liner all the way and pollute the water table. That is what concerns us.

Mr Lessard: My question is for the mayor. I was happy to see you classified yourself as an environmentalist. My questions are going to be more towards that vein. I am going to suggest that for us to deal with waste management issues in the future, we really need to change people's attitudes and move towards reduction as our first priority. Would you agree with that?

Mrs Jackson: Absolutely.

Mr Lessard: One of the ways we could change people's attitudes about moving towards reduction is ensuring that waste is dealt with as close as possible to where it is generated.

Mrs Jackson: I agree.

Mr Lessard: I think that is what part IV of this bill is attempting to do, and part III for that matter as well. I will give you a chance to comment, but just one final question. As an environmentalist, maybe you could give me some suggestions as to what I might be able to do with these voluminous materials that have been provided for us after we have had an opportunity to read through them, because the work of this committee will end at some point. I know the problems in dealing with waste in the Metro area are going to go on for some time afterwards.

1550

Mrs Jackson: Yes, definitely. As you can see, this is on recycled paper and can be recycled, so I do not think it is a problem, but I hope you read it very carefully before it is thrown in the shredder.

We agree completely with your concern about disposing of waste as close to the source as possible to make people aware of what is happening. We feel very strongly, as I said in my comments—somebody who lives in Toronto has absolutely no idea where Keele Valley is. They leave their garbage on the doorstep or at the curb and it disappears; it does not matter if it goes to Vaughan or Kirkland Lake, it is gone. If it was in Metropolitan Toronto, maybe Metropolitan Toronto would start to look a little more closely at the quantities of waste it is disposing of in someone else's municipality.

Mrs Fawcett: I want to go a little further on what my colleague was talking about. What happens if this bill passes? You were very thorough in outlining some of the environmental protections in place now and that when one is establishing a landfill they should definitely remain. I guess I really am concerned when we hear that there are least 100, maybe over 100, landfills that are going to reach capacity in the next couple of years. I think that was a statement made.

In my riding of Northumberland—I am in one of the outlying regions—we have been dealing with some of these problems. If these protections are removed—as this government seems to jump from one crisis to another, rather than really applying the overall solid planning approach to waste management—in your view could we potentially see one lawsuit after another, because things will start to happen that were not caught because the protections were not really thought out in the manner they are now, before this bill passes?

Mr Lederer: I am not sure it would be fair to say you will see lawsuits in these other outlying locations as a result of this bill. There are landfills there now. If those landfills are causing problems, then those problems exist now and any lawsuits that arise from them will arise in any event.

Mrs Fawcett: But as they look for new ones and if we do not go through the process, then I am saying down the road—

Mr Lederer: It stands to reason that you will have in place landfills that have not been properly tested and are more likely to cause problems and that therefore are more likely to cause the kind of lawsuit you foresee, yes.

Mrs Mathysen: Thank you, your worship, for your presentation. I think I can speak for the minister in acknowledging that additional capacity has been realized at Keele Valley. I think she would also say that the extension of the landfill will not occur unless it is required. We have to know it is required. She said in her opening statement that a hearing will be held if there is time.

It is my understanding from the minister's report—I have just been looking back over it—that if there is time, if it is possible, the community is to be involved and that Metro Toronto has designed a program for that community involvement. What is your reaction to those provisions?

Mrs Jackson: If we are getting back to Bill 143 for a moment, as I said earlier, if all those things are true and if all those things happen in the time frames we are talking about, then there is no need for Bill 143. Certainly hearings can continue.

I understand that Metropolitan Toronto has gone to a consultant and is getting a great amount of information which will be made available, but we have to have that opportunity to have sufficient time for our consultants to look over all that material and ensure it is correct from our point of view. You can only do that by way of total hearings on it. I am sorry; I am not exactly sure what you are getting at. I understand the minister will try, and hopes Keele Valley will not have to be expanded, but our concerns go beyond that to Bill 143 and the rights it is taking away.

Mrs Mathysen: To clarify, you say you believe the landfill will last until 1999. We have heard 1996; we have heard 1997. If it does not last until 1999—the experts say that is elastic and they are not sure—what do we do in the interim? What do we do if 1999 is not a possibility or a reality?

The Chair: Mayor, I am going to ask that you accept Mrs Mathysen's last question as notice of question and that you reply either in writing or during your summation. Mr Wiseman, you wanted to place a question on the record as notice?

Mr Wiseman: Yes. First, I would like to make a quick comment that I am about a mile and half from the Durham-York sewage treatment plant, so anything that goes into Keele Valley that winds up in the leachate collection system winds up on my beach if that plant does not work well, so I was no less concerned about what happens to the residents of Maple than my own residents because, it happens to be the same thing.

My question to the counsel: You have stated that the minister could use the Environmental Protection Act to promote the extension of Keele Valley. I understand you are preparing an argument to say this process was unacceptable. Could you clarify for the committee how the use of the EPA could be used to short-circuit that? What I am referring to is the creation of the argument you are using against P1 under the EPA.

The Chair: A question for the record, Mr McClelland.

Mr McClelland: This is a question and a request to the ministry for copies of opinions obtained either by the ministry or the Interim Waste Authority for authority of the power proposed through Bill 143, and copies of any opinions, letters, correspondence from the Attorney General and other legal sources with respect to the authority in terms of civil rights or any contravention of charter rights with respect to the drafting of Bill 143.

The Chair: A question for the record, Mr Cousens.

Mr Cousens: The concerns raised in the earlier presentation by the region of York that touched on the charter challenge, based on Bill 143 becoming law, bring out the importance of the question I posed that Mr Lederer gave some response to. I suggested that if there is any further information you could give on challenges to this legislation at a higher level, or what could be done on it, it could be very useful as we approach the latter stages of the debate of this bill because we still have an opportunity in line-by-line, clause-by-clause and in the House for final reading. That could also apply to the earlier presentation that touched on this as well. That would be very helpful.

The Chair: The questions that have been put on the record will be made available to you by the clerk. We would appreciate it if you would respond in writing for committee members. There is approximately five minutes left. I have left that available to you to sum up in whichever way you wish.

Mrs Jackson: What has to be recognized here is that our concerns about Bill 143 go far beyond waste management and have to do with rights. I think the issue of the rights of all citizens overshadows the partisan aspects of the debate that will take place on the floor. I also want to say that as we appear in front of you, I am not only appearing on behalf of my citizens representing their concerns because we have Keele Valley in our midst. It is a disaster at times. We have garbage blowing in all directions; we have seagulls, dust. It is a disaster and we would like to see it end. My concerns here as an environmentalist are to say to everybody in this area that there are very grave concerns with Keele Valley. What would happen if the water table does get polluted? What happens to the effluent that is pumped off the dump and taken down to the disposal plant and then goes eventually into the lake? Is that disposal plant at the lake capable of looking after all the various chemicals coming out of that landfill site?

My concern in being in front of you is to ask you please not to think of this just as a concern of the people of Maple or the people of Vaughan. This is a concern of the people of Ontario and I hope all members will keep that in mind when you debate this bill further.

The Chair: Thank you very much for appearing before the committee today. We appreciate your presentation.

1600

Mr Cousens: On a point of order, Madam Chair: A point that was just raised by Mayor Jackson—

The Chair: What is your point of order?

Mr Cousens: Could I put it as a question?

The Chair: No. The time has expired. When you have your next opportunity you can put it on the record as a question. The time has expired for this presentation at this time. You can also ask them privately and ask that they include it in their presentation to the committee of other questions.

MUNICIPALITY OF METROPOLITAN TORONTO

The Chair: The Municipality of Metropolitan Toronto, please come forward. I would ask that you begin your presentation by introducing the delegation. You have one hour for your presentation. The procedure we have been following will allow a summation, if you wish, at the end, as well as questions the members would like to place on the record that can be answered in writing.

For all those who are watching these hearings and proceedings, if you have an interest in the record, it is produced by Hansard and there is a complete record of all the witnesses' presentations. The Hansard is available as a publication of Ontario in all government bookstores. It will take a couple of weeks before they are complete and up to date.

Anyone who would like to communicate with the committee may do so in writing at any time over the course of these hearings and discussions. Any communications we receive prior to February 14 will become part of the public record. Anything we receive after February 14 will be circulated among the members of the committee and considered as part of the deliberations.

Thank you for appearing before us today. I want to welcome the Municipality of Metropolitan Toronto. Chairman Tonks, would you introduce your delegation? Begin your presentation now, and we would ask that you leave as much time as possible for questions.

Mr Tonks: With me are Joan King, the chairman of the Metropolitan Toronto works committee, Bob Ferguson, commissioner of Metropolitan Toronto works, Bill Crowther, the assistant director of Metropolitan Toronto works, and Jim Anderson, solicitor in our legal department who deals with environmental matters.

The Municipality of Metropolitan Toronto welcomes this opportunity to make a presentation on Bill 143. We think the bill has important implications not only for the greater Toronto area but also for all the province. Metropolitan Toronto has been planning towards a solution of our waste management problems since 1986 through our solid waste environmental assessment plan, or SWEAP. We take this matter very seriously and have not skirted our responsibilities.

On Monday the minister claimed in her statement to this committee that upon assuming office she found waste management planning in Ontario to be in a state of disarray. We assume she was talking about the rest of Ontario, because Metro's waste plan was in order and on schedule. However, in November 1990 the minister directed Metro not to release our long list of preferred sites for Metro's residual waste and to cease all further work on the site search. Had we been able to proceed in the endeavour, we believe we would now be prepared for an environmental hearing to determine Metro's future landfill site requirements.

Metro, however, continued with the development of its master plan strategy. We have copies of our draft master plan for you, which is now undergoing public and agency review. I like to point out that the master plan strategy sets targets and describes the number and types of facilities for Metropolitan Toronto to achieve 30% waste stream reduction by 1992 and 60% by the year 2000. I would remind you that is in excess of the provincial waste stream reduction targets. I am also pleased to tell you that we in Metropolitan Toronto are on target with respect to achieving those objectives.

I would like now to ask councillor Joan King to present Metro's major concerns and comments with respect to Bill 143. Before Joan addresses you, I would like to say that I am at the police commission at this time and if I have to make a strategic withdrawal it is not because I am fearful of the questions that would be raised, but the rest of the delegation are more than capable of handling any questions.

Mrs King: You have before you our folder which contains three things: a very formal written brief, a copy of my comments and the draft solid waste environmental assessment plan.

I thought it would be best if I perhaps highlighted some of the concerns of Metro, and to do that I will make my presentation in two parts. First there will be the general concerns and the premises upon which we have developed our position. Then I will take you through the four parts of the bill and highlight the concerns.

Overall, the Metropolitan corporation appreciates the need for and the objectives of Bill 143. On the one hand, Bill 143 is attempting to provide an effective statutory framework for the provision of interim and long-term disposal capacity in the GTA as well as for the implementation of the minister's waste reduction action plan. But on the other hand, we believe this bill, in the process of attempting to achieve these objectives, ignores the intent of the Environmental Assessment Act by restricting both the examination of alternatives and public participation. We have three basic concerns:

1. Who has control and who is going to be paying? Through this bill, the province is taking control over municipal waste management planning with respect to roles, responsibilities and financing, in the absence of appropriate discussion with municipalities and the private sector.

2. Has the Environmental Assessment Act been unnecessarily compromised? We all agree that the Environmental Assessment Act needs streamlining. However, in this case we believe it has been circumvented by specific GTA legislation thus compromising the best aspects of the act: review of alternatives and public consultation.

3. Will rights be limited with the expansion of the Keele Valley lift? In particular, the rights of the public, if there is no hearing; the rights of Metro for future revenue-generating capabilities—these are what drive our 3Rs programs—and then, conversely, the extension of new rights by providing for injurious affection that could lead to unlimited liability. We are pleased to hear that the minister has indicated the clause relating to injurious affection will be deleted.

Those are the three overriding concerns. To look at the premises upon which we have based our position, I would like to tell you there is sufficient capacity at the Keele Valley and Brock West landfill sites to allow for a scoped, time-limited consideration of alternatives for the disposal of waste not only for the long term but for the interim as well.

At Brock West, capacity will maybe last until 1994 to 1996, and for Keele Valley we are predicting 1997 to 1999. We have to quote a range in time because we are dealing with four ever-changing factors: the reduction in waste generation due to this recession; the recent export of waste south of the border by the private sector; an accelerated settlement in the landfills which is providing additional capacity; the 3Rs programs. These figures are fluid; however, it appears there is time for a scoped hearing and appropriate public consultation.

Metro has been involved over the last two years in discussions on the future waste management mandate for Metro. These discussions have involved extensive consultation with the general public, the private sector, our area municipalities and the other GTA regional municipalities with respect to proposed revisions to our section 66 of the Municipality of Metropolitan Toronto Act, defining Metro's future jurisdiction in solid waste management.

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The proposed changes would define more formally the responsibilities of the municipality and the private sector. We realize that Metro Toronto cannot be responsible for waste reduction without some mandate or formal responsibility with respect to the area municipalities that are collecting waste and recyclable materials. While it is not our intent to unnecessarily control or restrict the private sector, there must be a more formal arrangement with this sector. It is very difficult to plan, for example, when in 1990 the private sector delivered to our landfills in excess of 50% of the total amount of waste. Yet one year later in 1991 it had dropped its portion from two million tonnes to one million tonnes. So we must develop some kind of cooperation.

As a result of the debate on the proposed section 66 amendments, Metro council has put forth a single authority model for discussion with all the interested parties. We envision that such an authority would be run collectively by the regions of the GTA and would combine policy, operation and revenue for all aspects of waste management. In contrast, we believe this bill is further entangling and fragmenting responsibilities.

We are concerned with the issue of cost accountability. We see a dichotomy where Metro could continue to have the responsibility for the management of waste, including disposal, and bear the burden of the cost without direct access to revenue and with no meaningful input into the policy and planning process which in Bill 143 appears to be assumed by the province. Those are the general concerns and premises.

Looking at the bill, I have to tell you that when I first read it, and I am speaking as a municipal politician, I was horrified with part IV and how it will affect municipal responsibility for waste management. I would like to rearrange the order that we look at things and talk about part IV first.

This Bill 143 has been introduced by the minister responsible for the GTA and it appears to be mostly concerned about finding landfill capacity for the GTA. However, the Minister of the Environment has tacked on in part IV significant amendments to the Environmental Protection Act which will ensure the province's ability to control waste management. Bill 143 represents an unprecedented and fundamental intrusion of provincial control over the actual waste management responsibilities of municipalities.

At Metro, we think we have been doing a good job with waste management. Since 1967 the Metro corporation has responsibly carried out its obligations. We have completed three master plans, in 1967, 1977 and 1980. In 1988 we started on the draft you have before you. We put in place 3Rs programs that are scheduled to achieve the minister's targets of 25% by 1992. These programs are the largest of their kind in North America and are on the leading edge in solid waste management.

You have a copy today of our solid waste environmental assessment plan document which, as I say, is out for public consultation and will be finalized shortly. It covers a 40-year period up to the year 2030. It identifies policies, programs and facilities to manage solid non-hazardous waste generated by the residential, municipal, institutional, commercial and industrial sectors within Metro. We are confident that if Metro is allowed to implement the plan as proposed, we will be successful in reaching the plan's targets of 30% by 1992 and 60% by the year 2000.

Our achievements to date have been possible only—and let me emphasize this—only because of the disposal revenues we collect at the tipping phase. They pay for these expensive 3Rs programs. Bill 143 leaves us very anxious about how we are going to pay for the waste management facilities and programs necessary to achieve future targets.

Given this background, Metro has two main areas of concern in part IV: section 33 of the bill which amends section 136 of the EPA and section 26 which amends section 29 of the EPA. Under these proposed changes, the province will be able to regulate extensively in program planning and implementation and not just as it has in the past in facility standards and in granting approvals.

The Metropolitan corporation is fundamentally concerned over the enactment of legislation that may result in orders to municipalities to implement extremely expensive programs and facilities without any accompanying long-term assurance of revenue. For example—and I cannot stress enough how much we are talking about here—the capital costs for the facilities needed to achieve these diversion targets that we have established in our master plan are \$500 million. If we were just to take the municipal waste and separate it out, not the private sector, it is about \$225 million in capital costs.

How about operating it? A preliminary estimate of the costs for construction, amortizing and operating the facilities for collecting, recycling, composting and disposing of municipal waste—municipal waste only—is \$75 million to \$100 million a year.

To give you something to compare it with, we are in the process of setting our budgets. To pay the cheques for people on welfare in Metropolitan Toronto this year we are

budgeting net \$104 million. So I can see a time when we could be spending more net dollars on processing our waste than looking after our social network.

Of particular concern, then, is that section 33 has subsection 136(4) which allows the government to govern "the manner in which municipalities carry out the financial management of their waste management activities." Will Metro have the ability to generate future revenues? May I tell you that this continued uncertainty at Metro over our ability to control costs and revenues for waste management will result in a slowdown on the 3Rs initiatives and achievements.

To summarize, the concerns regarding part IV are basically about control and cost. Will we have a system where one level of government plans and decides what will be done and the other level of government simply follows instructions? Our democratic system has always been based on accountability, but the more we allow different levels of government to interfere in another's jurisdiction, the more we will reap discord, disarray and disillusion. At a time when we have all agreed—the province and all municipalities—that we need to disentangle, this bill creates further entanglement. The Metropolitan corporation is pleased, however, to see the intended transfer of powers to the director have been withdrawn by the minister.

I urge the government to defer part IV. It would be much more appropriate for these specific amendments to the EPA to come forward in conjunction with the proposed provincial paper on waste management responsibilities and we can work it out and plan it together.

Metro council has dealt with this brief and has approved nine recommendations. I have them interspersed, so I will just refer to them as we come to them.

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The first recommendation—this comes from Metro council—is that the passage of part IV of Bill 143, and in particular subsection 23(2) and sections 26 and 33, be deferred, to be considered with the forthcoming initiatives paper of the province on municipal waste management responsibilities.

As well, perhaps a definitional one, the second recommendation is that the word "arrangements" be deleted from the definition of "waste management system" contained in section 24 of the bill.

Now I would like to go back and start with part I. As you know, this is the part of the bill concerning the Interim Waste Authority. The legislation is unclear as to the intended mandate of the Interim Waste Authority. If by the establishment of landfill sites the intent includes their operations, then this legislation should say so. The uncertainty is compounded by the provisions in part IV which give the minister the power to establish and operate waste disposal sites.

We have a lot of jobs on the line here. We employ a lot of people who are concerned about the security of their jobs.

Therefore, we recommend—this is the third recommendation of council—that Bill 143 be amended to provide the Interim Waste Authority with the explicit statutory mandate only to search for and select the relevant waste disposal sites, and that the legislation clarify that the IWA

is the only proponent in connection with the environmental assessment to be undertaken.

Looking at part II of Bill 143, this restricts the environmental assessments to be undertaken by the IWA in two ways: first, by limiting the examination of a full range of alternatives to the establishment of a single landfill site in each of the defined service areas; second, by requiring the IWA to use estimates established by the minister.

Going back to the first way, dealing with limitations, limiting examination of alternatives is a fundamental departure from the traditional Environmental Assessment Act process. At Metro, we think it more appropriate to streamline the process while preserving the examination of alternatives. Given the landfill capacity now remaining at Keele Valley and Brock, time is available to look at alternatives.

Therefore, it is the position of the Metropolitan corporation that the Adams mine waste management system proposal warrants a comparison to any IWA sites in the GTA before the option, which we obtained after consultation with the minister, expires in 1995.

I think Metro has shown initiative, looking for sound environmental facilities that will not have a dramatic social impact, and I think we should be allowed to study them.

It is interesting to note that in the referendum held in Kirkland Lake, 69% of the voters said yes to the question, "Are you in favour of a full environmental assessment for the Adams mine landfill and recycling project?"

As well, an environmental assessment should examine the relationship of landfill to energy-from-waste incineration. To date, our document, in its technical evaluation of incineration, has resulted in the following conclusions: (1) incineration systems can meet the objectives of solid waste management in an environmentally acceptable manner; (2) a predominance of evidence suggests that properly designed incinerators do not pose human health hazards; (3) incineration and material recovery can be complementary components of a waste management plan where incineration is restricted to the residual and other non-recyclable, combustible wastes; (4) incinerator ash may be managed in an environmentally safe and acceptable manner through ashfill containment technology, environmental monitoring and contingency planning. We think it should be part of the process.

Regarding the issue of estimates, the Metropolitan corporation is opposed to the imposition of unilateral ministerial waste reduction estimates that may have significant consequence. We see a big difference between targets and estimates. Full consultation should be provided to ensure that the estimates are rational, defensible, affordable and achievable within the context of the current Environmental Assessment Act. As well, there should be public consultation on the policies the minister may establish under section 15.

Now I will go to the specific recommendations from Metro council:

Fourth, that the bill mandate that the IWA examine, in the context of the disposal facilities for the GTA as a whole, the option of incineration within Metropolitan Toronto, including the continuation of the Metropolitan corporation's SWEAP site search for energy-from-waste facilities;

Fifth, that the bill provide that the Adams mine site in the vicinity of Kirkland Lake, for which the Metropolitan

corporation has an option, be deemed a site within the primary service area for Metro and York in order to be evaluated with other sites identified by the IWA;

Sixth, that the bill not contain any provision for the establishment of estimates by the minister to bind the IWA's environmental assessment but that such estimates be governed in the normal fashion through the environmental assessment process, including public consultation;

Seventh, that the bill provide for a process of public consultation in respect of the policies to be established by the minister under section 15;

Eighth, that the Minister of the Environment expedite revisions to the environmental assessment process through EAPIP, the environmental assessment program improvement project.

With respect to part III, concerning the proposed Keele Valley expansion, the Metro corporation believes sufficient time exists for an appropriate public hearing to take place. However, we believe any such hearing must be scoped as to the technical merits and time frame.

Ninth, we recommend that the bill be amended to provide for a part V public hearing prior to the issuance of a certificate of approval if the time frame for such a hearing permits, but that the legislation also provide (a) that the approval body need not address in the public interest anything other than the technical merits of the Keele Valley disposal site and (b) time lines for completion of the hearing.

In regard to the minister's removal of clauses concerning injurious affection from the bill, we concur with her proposed action, as it would have placed a potential unlimited liability on the corporation.

In summary, I think the key to a successful resolution of the greater Toronto area waste management problems is the 3Cs: cooperation, coordination and collaboration. However, what part IV of this bill does is put the cart before the horse. We need stakeholder dialogue and public participation now on the roles and responsibilities of all players in the waste management field. Before legislation is enacted, we need to see the complete picture. Failure to undertake this form of cooperative dialogue only leads to a reluctance to make commitments on the part of the public and the private sector.

The model that Metro believes needs to be discussed is a single-authority model under the jurisdiction of the greater Toronto area regions. This model would allow for one level of government, the regional level, to have the ability to plan, to operate and to pay for a comprehensive waste management system. Costing and control cannot be separated. The level of government that plans the waste reduction programs must be the level that pays for them.

We are confident that the regions within the GTA can manage waste safely and efficiently with the support of the private sector. However, if the province persists with the apparent intentions set out in Bill 143, then we think the province should take over all responsibility for waste management, including a single master plan for Ontario, selection of future technology for waste reduction and the subsequent risks and costs.

Madam Chair, I have had an opportunity to watch some of the proceedings on television and I know we are

now at the time for questions. I thought perhaps it would be of particular interest to members of the committee to have an opportunity to ask questions of somebody who is actually in the operational business, so we have asked the commissioner, Mr Bob Ferguson, to be here for specific questions relating to how it can be done. I think you may find he has a lot of information to impart. As well, Jim Anderson, our solicitor, has studied the legal concerns about waste management with us for many years. We would like you to feel free to address questions to Mr Ferguson, Mr Anderson or Mr Tonks.

1630

Mr Wiseman: I appreciate your coming and I listened very carefully to what you had to say. I have a number of questions. I have 16 requests. They do not all have to be answered now, but I would like the information come to us before we consider the clause-by-clause.

First, I would like maps and contour lines of Keele Valley and Brock West, plus an explanation of each one. I would like copies of the certificates of approval for Keele Valley and Brock West; an analysis of the daily tipping at Keele Valley and Brock West, plus an analysis of numbers on a monthly basis back at least six years so we can extrapolate; a content analysis of the dumps so that we know what is going in on a daily basis; a description and an analysis of the content cover of both Brock West and Keele Valley.

I would like an indication of the source of all the waste going into both Brock West and Keele Valley. where does it come from and so on? I would like an analysis of all odour control and successful odour control abatement that has been taken; a description of the leachate control systems of Keele Valley and Brock West and a chemical analysis of the gas being burned at the Brock West eastern power EFW. I would like all charts and measurements taken of the burning of the plume of the eastern power EFW so that we know what temperatures it is at the various stages as it comes out of the stack.

Now we are going to get into the financial end of this. How much money does Metropolitan Toronto make on landfilling waste tipping fees and how much of this money is returned to the local community, so that we can have an idea of the true cost of tipping? I would also like to know what long-term plans have been created for the closure of the landfill sites and the estimated cost of continuous care of the landfill sites in perpetuity. What I would also like to know is how much you charge the various sectors of the Metropolitan Toronto municipality, such as school boards, separate and private, and how much you charge your own administration's tipping fees, going into both Brock West and Keele Valley. Last, what is the daily operating cost for both Keele Valley and Brock West?

The Chair: You can take those questions as notice and reply in writing to the committee at a time that is convenient to you. The request has been that the reply be in before we deal with clause-by-clause. The committee would appreciate that, if it is possible.

Mr Tonks: Might I just make a comment? I would think a lot of that information is available through the

ministry as part of the approval processes that were given with respect to the eastern power project, for example, and so on.

The Chair: To save you the effort of pulling all that together again, perhaps it is appropriate that we ask the ministry to let us know what it has available, what it can make available for the committee, and anything that it does not have, you can fill in.

Mr Tonks: We will fill in whatever else is required.

The Chair: Is that reasonable?

Mr Tonks: Yes, that is fine.

Mr McClelland: When and how did you find out about Bill 143, I ask any representative of Metro? I would be pleased to hear about that. Were you given any prior consultation or discussion on the drafting?

Mrs King: No. As a matter of fact, I think it was right during the middle of an election campaign when I first heard about it. AMO contacted me trying to get a meeting of municipal politicians, but it could not get them together because they were all out trying to get re-elected.

Mr McClelland: I will leave people to draw their own conclusions about that. Did you ever get a response from the minister to your letter—I am not sure of the precise date—of October 1991? Metro sent a letter to the minister asking her to ban the shipping of Metro's waste to the United States. Any response to date that you are aware of?

Mrs King: I do not think there has been an official response.

Mr Tonks: If I can add a supplementary to that, I was surprised to hear that the region of Halton had been given a supplementary adjustment to make up for tipping differentials that it would be charged to have to deal with it locally in order to take it across the border. I found that rather interesting and I would like to hear an explanation of that one of these days.

Mr McClelland: I would be interested in hearing an explanation too and I suppose it segues nicely into my next question. Do you see any consistency or any logic or any kind of rationale whatsoever in terms of not even responding to that letter and laying it out for discussion in terms of garbage being shipped to the United States, and at the same time saying we are just going to preclude consideration of transport in the development of other projects? I mean, "It is okay to go ahead and do that and we are not even going to discuss what is happening and not respond to your question." Where does that fit in terms of consistency and any kind of logic?

Mrs King: Do you want me to go ahead? I was finished.

Mr McClelland: You got elected.

Mrs King: That is right. I recognize that it is difficult to put the same controls on the private sector as it seems rather easy to put on the municipalities and I think that is part of the issue. We have a major problem. I have been listening to your hearings and everybody is talking about Metro, "You look after your waste in your own backyard." I have to tell you that we do not have space.

But then I get angry on the other side because I look at what is going the other way. I looked in the paper last night and saw the cost for education in Ontario. I know that none of that is coming to Metropolitan Toronto and I know who is paying most of it. I know that downtown in south Riverdale they are putting up with lead from recycling batteries from the whole province. You know, "Ship it all into Metro and let them do it, but don't let Metro think that maybe removing the excess residual waste from where people live makes any sense."

I am not talking about stopping all the good things, but when we look at it and we plan, there is a limit to how much we can do with all the reduction activities. There will be residual waste. Does it make sense to keep it right where all the people live, breathe and drink the water, or does it make sense to look where it will not have a social impact, where it will be environmentally safe?

Mr McClelland: You have summed up, in part, one of the frustrations I have had as I have looked at this bill both prior to coming to committee and in the committee itself. The inconsistencies in terms of logic are just profound. It seems to me that what we do is pick and choose the application of doctrine or philosophy or ideology to make it fit. If the facts do not fit, then we will throw them out; if the ideology fits for what we want, we will make that predominant. You have summed it up very well.

It defies logic, quite frankly, in terms of some of the inconsistencies in the bill and the application of different principles, depending on where you live, depending on what day of the week it is and dependent, I guess, on whether it is sunny or not or if the minister, on any particular day, feels good or does not feel good. That is about the extent of the logic and consistency in terms of some of the principles enunciated in this bill. It is just pick and choose and make that fit wherever you want.

You said you have some concerns with respect to the private sector, and you indicated on page 2 of your brief that there was little or no consultation with you; in fact, you said there was none: "absence of appropriate discussion with the municipalities and the private sector." Then on page 8 you begin to touch on the cost implications. You said you feel there is a role to be played, but it has to be done in balance and consultation.

How do you feel about the prospect of this bill driving the private sector out of the waste management industry altogether? We have some very clear messages from this government in terms of, "Profit's a bad word; we don't want it." Witness the day care situation: "We'll put \$75 million into it. It won't create one more space, but there's a problem here with profit. We don't like that word." What is that going to do to Metro in terms of costs to you as a council and the impact it will have on the property taxpayer in Metro if the type of mentality embodied in Bill 143 prevails and effectively says to the private sector, "Listen, take your chances"? We all know, living in the real world, that the private sector does not take its chances. They make an analysis on the facts available to them and they are operating in a total vacuum right now. What is the impact going to be if you have to pick up the whole tab?

1640

Mr Tonks: I think we can be kind of cynical with respect to the political machinations that often drive agendas: social agendas, environmental agendas, economic agendas. I think you have to try at some point to sever that out and say—you use the term "logic." I used that term once and I always regretted doing it. I think that if you are talking about the role of the private sector, you have to admit that there has been a substantive role that has been played in the past.

If you look at the magnitude of the liability—Joan has attempted to give you the scale—when you fold in the amortization costs of building the facilities just for your reduction programs, you are talking a \$75-million resource allocation out of what I would submit are presently strapped financial resources. It is on the magnitude of a bill similar to the welfare bill right now. In Metropolitan Toronto the differential is \$100 million from last year. If you project ahead at the rate of disposal we have been talking about, for the municipal sector alone now, you are talking about a liability that has to be funded. If you were trying to figure out actuarially how you would cover an unfunded service sector of this magnitude, I am not sure the province can manage it, much less Metropolitan Toronto, much less all the other regions and municipalities that are going to be caught in similar situations. So that is the magnitude.

Our tipping that has been covering our systems costs, which we have worked out in partnership with York and Durham, has served us well in the past. I know they have a different idea of the future, and that is understandable. I say that with the regional chairman here because he is looking at the liability that is coming down the tube. I understand that. When we worked to establish the waste management authority, the interim steering committee, we were attempting to construct a financial model against the capabilities of the private sector to capitalize and, yes, to make profit, married, as a check and a balance, with the public sector. That authority was going to select a number of alternatives that would come forward as a result of proposal calls. But that was a partnership, in which we were agreeing to finance the technologies, develop the partnerships as to who and on what basis and where would we reinvest that so-called profit. It was a complete picture.

Following that model, I can sit in this room and find no contradiction whatsoever with what we accomplished. But I would suggest to you that to extrapolate the contradictions that have been put forward here, our answer is that if you sever out the responsibilities—we sometimes compartmentalize and forget about all the work we have done in other areas where the philosophies and the economics of the issues and so on are similar, for example, disentanglement in the social services area, and we completely leave that model out and start trying to reinvent the wheel with respect to a liability of this nature. Do you wonder why the public does not understand what is going on? We sit around and nod our heads like, "What are we doing?"

My answer to the question, finally, is a matter of scale. Develop the fiscal model. We have talked to the ministry about it. This legislation is completely premature in the

sense that the process is not complete in terms of the kinds of partnerships you need to fund that kind of liability and select the technologies and who is going to buy in and who is going to buy out.

Mrs King: I—

The Chair: Mr Carr, you have the floor.

Mr Carr: Sorry; you can maybe sneak that in during my questioning.

I think you are right. I am pleased to see that you talked about accountability and the lines of authority. Certainly if you look at it and if we approach this as one of the—in management they tell you the first thing is that you have to have clear lines of authority and responsibility. It is the first rule of management. When you look at the way we are governed, it is no wonder people shake their heads.

Just before I get into a couple of questions, I want to confirm something with the chairman. I know it was asked by one of the other members. Before this bill was brought in, you are saying as chairman of Metropolitan Toronto, and this bill will affect you greatly in all areas, that there was no prior consultation or knowledge on the bill?

Mr Tonks: Not on the specifics of this bill, no.

Mr Carr: So what you got was just that they were coming in with something, but they did not get into the details. I just wanted to clarify that.

We also heard this morning from the people from Notre Development, who talked a little bit about the programs. They said, as you did, I think, on page 5, that you have done a good job. I know there has been a lot of criticism of Metro from a lot of areas saying you have not done your job. I think what has happened is that you have, and then the rules of the game change and you have to scramble around. You have a very comprehensive proposal here that I suspect would be more comprehensive than even the provincial one, and where this leaves us with this legislation will be interesting to see.

With the proposal to Kirkland Lake I just want to find out, and either the chair or the councillor could inform me, what the feeling of council is with regard to the proposal in terms of Kirkland Lake and what the feedback is from, obviously, those people who are elected by the people of Metro Toronto. What are they saying about the Kirkland Lake proposal?

Mrs King: You are asking about members of council?

Mr Carr: Yes.

Mrs King: I think members of council are very supportive. We went through the exercise a couple of years ago in the SWISC process of having to identify some possible sites, both for interim and long-term, and this is certainly one we have been looking at, although, again, that is just at a very preliminary stage. But as we have stated in here, members of council think it is something that should be part of this process. We would like to see it evaluated along with other possible sites the IWA would find. I agree with the region of York's presentation this afternoon; it will have to be the region of York.

Mr Tonks: Councillor Christie has indicated to me, and I had forgotten, but there were several votes, reaffirming, confirming.

Mrs King: That is right.

Mr Tonks: Remember that we had to get authority to enter the negotiations in the first place. We had to get authority to enter into the options. We had to renew the options.

Mrs King: We had to pay for the options.

Mr Tonks: We had to pay for the options. This thing went to council probably at least a dozen times, and only two councillors opposed it out of 34.

Mrs Mathysen: I have a question for now and I would like to put one on the record later. I noted that in your recommendations, incineration is still part of your proposal. In going through your draft master plan for disposal, I see again that incineration is there. You talk about incineration in terms of energy recovery. We heard from Dr Paul Connett, a chemist and an incinerator specialist, and he is very sceptical about incinerators. I would like you to comment on I guess what he has to say in connection with your plan in your master plan strategy here.

You talk about the incinerator ash. We have heard that the amount of ash is voluminous and that in the case of Lambton, in order to accommodate that ash, they would have filled up all their landfill sites. You do not talk about that voluminous ash in this strategy.

1650

You also talk about the kinds of things that would be incinerated, such as paper products unsuitable for reuse, recycling or composting, and organic wastes. I live in Middlesex and the Victoria Hospital incinerator is in the middle of the city of London. I have toured that facility. During that tour they indicated that in order to burn that organic material—it is very wet; it is very soggy—you have to generate a lot of BTUs, and the things that generate that kind of heat are the very things we should be recycling. I also note that you say you could incinerate textile, leather or other rubber waste. From Dr Connett's presentation this morning, and I believe my memory serves me correctly, these are precisely the things that cause the worst kinds of dioxins to go up the stack.

He also said, "Beware of those who would say, 'We can use these incinerators to generate energy and sell it off to corporations like Ontario Hydro,'" and lo and behold, on the very next page you talk about selling this energy to Ontario Hydro and how you can use it. Dr Connett talked about a facility in the United States that invested \$150 million to update its stack to put further controls on it. They only generated \$10 million in sales from the electricity and that meant effectively that they had to run that operation for 15 years just to pay for the stack, much less the cost of building and operating the facility.

In light of that, in light of what the environmentalists are saying—I note that this is just a draft—do you still support incineration as a possibility for your waste management?

Mr Tonks: First, I appreciate the background information you have. I have not heard that particular doctor's analysis of it, but I am sure there are as many analyses as there are doctors in that area. I think that is the essence of

what environmental assessment hearings are all about. You put all the alternatives forward and they have to be defended in technical terms and assessed against economic and social prerequisites. That is the essence of a hearing.

Our position has been that we have placed energy from waste in our plans as an alternative to be tested through the environmental assessment process. I think the end result will determine whether the best available technology satisfies the touch test you have placed through the professor's perspective.

The second thing is that when you look across Canada and go to Vancouver and see their incinerator and the technology they are using, and then you go to Paris and they are just opening a new incinerator and you then try to answer people's questions, "Why are we not even looking at that?" usually you fall back on arguments other than chemistry and technology. You say, "But most of the time we don't want to encourage people to use a lot of things we have to incinerate or that kind of thing; we want to reduce."

That is great, but what we have indicated, and the commissioner can establish this in greater detail, is that there still will be, as our master plan points out, a large part of the waste stream we will have to do something with. That is where some form other than landfilling approaches and reduction strategies will have to be factored in. But my main point is that it has to be as a result of an environmental assessment process that looks at all the kinds of issues you have raised.

Mr Cousens: Mr O'Connor, the parliamentary assistant to the minister for the greater Toronto area, indicated that the IWA is looking at possible sites. Though they have not released the list of those sites, as they said they would, he indicated earlier today that they are looking at sites in Metro. Have you any idea what sites those would be and is that part of your planning? At this point York region is not all that thrilled. We are not a happy host to your garbage.

Mr Tonks: You are not a happy camper.

Mr Cousens: Not a happy camper.

Mr Tonks: I understand.

Mr Cousens: What about some of the other potential sites you are looking at within your own area, rather than coming north of Steeles?

Mr Ferguson: We commenced looking within our own area some four years ago and we identified, I believe, five prospective sites within Metropolitan Toronto. Those sites were considered when we prepared our long list of sites, but we were told to put away the long list, so it is in the vault or in the files. There were sites identified by us in Metropolitan Toronto and we would be happy to have those compared with any other sites.

Mr Cousens: Maybe I could invite you to share them with the committee and we could make them public so that Metro Toronto can start getting ready for the effects of Bill 143. I would appreciate it if that could be released to us. It will certainly help us, because there is a mystery coming from the ministry and from the Interim Waste Authority, and maybe we can then work together to see that you have your own sites.

Mr Ferguson: The ministry has those sites.

Mr Cousens: Would you make those available to us?

Mr Ferguson: We will make another copy available.

Mr Cousens: Thank you. The ministry will not give them to us; that is part of the problem. No, maybe we have not asked that specific question, so we are not getting them.

The problem I have is that we are working in a vacuum. The people of Metro are soon going to have a new bill and right now they are living very comfortably thinking it does not affect them. The fact of the matter is the ministry is now looking at Metro for waste sites and I am most interested in knowing where they might be and how we can help solve your problem. I know you would be concerned.

Mr Tonks: The solicitor has some problems with that.

Mr Anderson: I think all we can undertake is to look at the issue of release of those sites and to get back to you, but I am not prepared to indicate that we can simply holus-bolus release the names of those sites. There may be some property rights issues involved with respect to the release of that information.

Mr Cousens: The only concern I have is that this bill is going to remove most of the rights of people anyway once those become available. There will not be any rights left for anybody else, and now we are seeing the possibility that Metro might be withholding the names. I find this really a surprise. It is a democracy.

Mr Ferguson: I think the simple answer is that everybody knows where these sites are. They are primarily in the Rouge Valley and the list is available from a number of different sources.

Mr Cousens: By the way, I have to say, Mr Ferguson, you are one of the best commissioners they could possibly have and I like the work you do.

Mr Tonks: Put your name forward for a judgeship.

Mr Cousens: Where I sit with our party, I am not going anywhere.

If we can have those sites, it would be a most interesting discussion point and I am sure it would be very worth while.

The Chair: I point out to the deputants that the committee is making requests when we put questions on the record and you can answer them however you wish given the advice of your solicitors.

Mr Cousens: You ask questions. You do not get answers.

Ms Haec: A point of clarification, Madam Chair: I believe Mr Cousens, through the Metro solicitor, has really raised a point that I was worried about earlier even when Mr McClelland made his request of ministry staff about the longer list of proposed sites. In releasing some of these kinds of details, would there not be some property rights, some legal concerns around privacy?

The Chair: That is not a point of clarification; that is a point of view. We have some questions for the record that I would like to allow to be put and then a very quick summation of just a couple of minutes.

Mr Martin: My question revolves around the area of governance and the provincial government's mandate within that. Certainly the issue of waste management is not one that just concerns a local area any more. This discussion has pointed that out.

One of the first people to come into my office when I first got elected was somebody who talked about an emergency here re the waste management issue and it seems today we have a question of whether there is an emergency here or there is not an emergency. My question is, in light of all that and the fact that when we say Interim Waste Authority, that simply means interim, and if there is to be a longer discussion about the governance of the waste management issue under the guidelines of the 3Rs etc, are you, as a council, willing to enter into those discussions and what are your thoughts on that whole issue of governance, given that this legislation may in fact pass?

1700

Ms Haeck: Mrs King raised the issue of Metro not having any space available to deal with its waste. I was wondering if they had given any consideration to smaller landfill sites within Metro that might be designated to a type-specific waste, something that was raised by another deputant, ie, construction materials would only be allowed on such a site. I wonder if they have given it any consideration at all.

The Chair: Are you asking for a list?

Ms Haeck: Yes I am, actually, or at least some information if they have considered it.

Mr McClelland: What I would like to know is if the two members of council who voted against the proposal happened to be members of any caucus at Metro council.

Mr Cousens: They are New Democrats, are they not?

The Chair: Question, Mr McClelland. This is not helpful.

Mr McClelland: My real question is to the Ministry of the Environment. We have been talking about Keele Valley in part as owned and operated by Metro. I would like an analysis from the ministry or a summary of the analysis in terms of the operation of the incinerator located adjacent to Keele Valley, any reference in terms of compliance with the certificate of approval, any orders of the minister given recently to override a certificate of approval, detail on compliance, detail on the issue of emergency orders of the ministry with respect to the operation of any incineration in and around Metro, particularly Keele Valley.

Mr Cousens: I have a feeling Metro is going to become very wealthy through Bill 143. Could you give me a cost-benefit analysis of the bill and whether or not it shows you are going to be making money or losing money? I want it to be proven by the numbers. That might come through in the questions Mr Wiseman asked, but just on the bill itself, what effect will it have on your budgeting costs?

The Chair: There are just a couple of minutes remaining. You can use that time to sum up. We would appreciate it if you could respond to the questions that have been put on the record. Another question for the record?

Mrs Mathysen: Actually, Madam Chair, I have one.

In Mrs King's presentation, she stated that given the remaining capacity at Metro's two operating landfills there is time for hearings to take place on expansion at Keele. However, Metro's estimates on the remaining capacity at both Keele and Brock West over the past year have fluctuated greatly. Do you feel confident about the figures you are presenting? Are they accurate? If you feel confident about that, why do you have that confidence, given the kinds of fluctuations we have seen in figures in the past?

The Chair: Thank you, Mrs Mathysen. As I said, you can use the next couple of minutes to complete your presentation.

Mrs King: First, we really appreciate the opportunity to come and express some of our concerns. Actually, in answer to Mr Cousens, one of our big worries is it is going to bankrupt us. We do not see making any money in the future, yet we see the tremendous costs that will be associated with what we need, which is a thorough 3Rs program. There is no question there is the commitment of the public and the politicians for very extensive waste reduction activities, but there also has to be the recognition they are going to be very costly.

I guess whoever happens to own the land where the landfill site is might have an advantage, although it should be interesting to note that the two landfill sites that we are now talking about, which are Metro's landfill sites, do not happen to be within Metro. We are going back quite some time, and I guess when one looks historically at where people disposed of their waste, they always moved it outside the area where the people were. That is historically a fact. That is something we should keep in mind when we talk about how we deal with that part of the waste stream that you cannot handle through the 3Rs.

The conservator society is here and we are part of it and we recognize that, but there is also a recognition that there is always going to be a certain amount of waste. When we are talking about the GTA, we are looking at figures of maybe three or four million people in the next 25 years. That is a lot.

Mr Tonks: If I just have one last word, I do not want to leave this on a downer, because I appreciate this is not a scene this government came into where everything actually was all in the slot. It was very dynamic. We were working in a particular direction, and I want it to be clear that the reason we really were asking for relief from some of the provisions of the Environmental Assessment Act process was that, for example, our hearings were getting legal. We were getting into morasses of charter arguments and governance issues. For example, where we had a licence at Keele Valley to continue to dump within the permit we had, when we needed more clay, we were in the courts for two and a half years at a cost of several millions of dollars. We were asking for some relief with respect to the complexities of how to process and work towards a resolution of the GTA and Metro, part of the GTA, and the entanglement we had got into.

What we are trying to say here is that at a time when, for example, the province is getting out of the operation of sewer treatment plants, you are getting into an area of

operating waste management and making waste management decisions. We are afraid that within the context of the presentation we are making, it is not completely thought through. The governance issues have to be thought through, otherwise you cannot balance the cost equation against the decision-making equation. In management terms that was pointed out as a very poor way to go.

My final statement is that I think that with more consultation, bringing together the best advisers we have, with considerable experience, we can resolve the issues. I think the bill has too many contradictions in it to be helpful in its present form. I hope that when it comes back from your committee, as a result of the consultation a much more concrete set of recommendations will evolve.

The Chair: We very much appreciate your coming before the committee today. A number of questions have been placed and I know that an hour, while it seems like a long time, is short once you get into it. If there is additional information you think would be helpful to the committee through our deliberations, please feel free to

communicate with us in writing. As I have said before, anything we receive before February 14 will become part of the public record. After February 14 it will be considered by committee members and distributed to them but it will not be part of the public record.

For anyone who is watching the proceedings, Publications Ontario, which is at 880 Bay Street, will have a full record of the Hansards taking place at this committee and anyone who wants copies of Hansard can get them by contacting Publications Ontario.

I want to thank all the members of committee and remind them that we will be meeting again Monday at 2 pm. Please take with you everything you are concerned about, because we are not sure how the room is going to be used over the weekend.

I would like to thank everyone for participating today and say how much, as Chair, I have appreciated the cooperation I have received not only from those making presentations but from committee members as well.

The committee adjourned at 1708.

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First Intercession, 35th Parliament

Official Report of Debates (Hansard)

Monday 27 January 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le lundi 27 janvier 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
Clerk: Lynn Mellor

Présidente : Elinor Caplan
Greffière : Lynn Mellor

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Effective with the opening of the Second Session of the 35th Parliament, Hansard issues and pages will once again be numbered on a sessional basis. Hansard numbering therefore will become consistent with Orders and Notices and Votes and Proceedings, and with other parliamentary publications throughout Canada.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday 27 January 1992

The committee met at 1402 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

WASTE NOT

The Chair: The first presentation today is from Waste Not. You are welcome to the committee. You have one hour for your presentation. We would ask if you would leave as much time as possible for questions from the committee members. Would you begin your presentation by introducing your delegation. If you just speak right into the microphone in front of you, Hansard will be able to pick everything up and there will not be any problems at all. Please begin your presentation now.

Mrs C. Cooney: My name is Colleen Cooney and this is my husband, Bill. We are citizens of Orillia and we represent Waste Not, a non-profit networking group based in Orillia. We have not made copies of our address for you since we are not able at this time to buy recycled paper which does not use chlorine bleach in the primary processing. You will be receiving Hansard shortly, we believe. By the way, British Columbia has recently set a timetable for zero discharge for organochlorine effluent from pulp mills by the year 2002. We encourage Ontario to follow their leadership.

The handout we have given you is a list of references for your further research and a list of contacts throughout North America who will provide any additional information you may need.

We came here today from Orillia to tell you why we are interested in Bill 143. We are not involved with a waste disposal company, nor are we being paid by anyone for coming here today. We are here because of the sense of urgency we feel and the fact that we are angry about the deterioration of our air, our water and our land which we all share, and we are concerned about the wasting of our resources. We strongly support pollution prevention and conservation of resources.

First, we want to say loudly and clearly we fully support and applaud any legislation which enables us to become a conservator society. We applaud enabling legislation which leads to a commonsense approach in the way we use our finite resources and treat the air we breathe, the water we drink and the land which provides for sustenance. We cannot exploit our resources in the short term and then expect to have a sound economy in the long term.

We fully support the ban on incineration of solid waste. We encourage the government of Ontario to ban the incineration of hazardous waste and biomedical waste. It is time to face the reality of what we are doing in wasting resources on a finite planet. It is time to face the reality of what happens when we dump unknown substances into the land, or burn materials in an incinerator.

We did not come here to give you information which you do not already know. We know that you know it is wrong to put poisons into the air. We know that you know it is wrong to poison the land and water. We know that you know that our resources are finite and that conservation is imperative. We know that you know about the Great Lakes Water Quality Agreement and the call for zero discharge of toxic substances into the ecosystem of the Great Lakes basin.

We came here to let you know that we feel a great urgency and we are very serious about what is happening—global warming, acid rain, chemicals in the drinking water, dioxin-contaminated food, dioxin in mother's milk, fouled air. This is the reality in which we find ourselves in 1992, and we did it, and we are continuing to do it. Our laws let corporations continue to put poisons into our air, land and water.

We came here to tell you that we are serious about the topics addressed in Bill 143. We wonder why this committee has been formed in order to receive more input. Clearly, the decision to stop discharging toxins into the ecosystem and to stop wasting resources must be made. Why the foot-dragging?

We, as citizens who pay taxes and vote, wonder why this committee is holding these sessions when clearly those who are speaking against Bill 143 are primarily those for whom it is a sales opportunity or an easy out from accepting responsibility for wasting and polluting.

We wonder, after the numerous public sessions held to date, what it is you want the public to say that you have not heard yet. We wonder why these sessions are held at a time when the working public is busy. We are wondering why it is that the entrepreneurs in the post-consumer marketplace are again being given a forum for lobbying. We are wondering why the decision to prevent pollution and prevent wasting resources is being challenged. By whom? Why? Now, clearly, is the time to make responsible decisions. There should be no debate over wasting or polluting. These are obviously unethical. Make that decision and then get on with it.

Let us look at the reality of what we are doing in our society. This filled garbage bag with a question mark helps to visualize the waste management operation as it is being practised here in Ontario. No one knows what is in here except those of us who filled the bag—a real coverup. Thousands of these bags of unknown substances are taken

to a hole in the ground and dumped somewhere—preferably “somewhere else”—and then covered over again. Perhaps our century will be known as the one of the great coverup. We are not looking squarely at the many realities of life.

Who will be responsible for the cleanup? Does it make sense to you to continue not facing this reality? What do you think will happen when this bag breaks down and the contents mix? What do you think would happen if this bag were burned? The contents become changed into even more dangerous substances and are discharged either into the air or are captured and then buried.

1410

Who is going to clean all this up? How could we explain to our great-grandchildren's great-grandchildren that we knowingly polluted the environment? As decision-makers in this province, there is a tremendous responsibility on your shoulders, as well as a tremendous opportunity for doing something really important by showing leadership in the area of managing our resources. We know you have enough information; what is missing seems to be the political will.

The only realistic, practical solution to the contamination of the air, land and water is pollution prevention. We fully support the Great Lakes Water Quality Agreement, which calls for zero discharge of toxic substances into the ecosystem. There is no other sensible way of acting. We have no other choice. It is obscene to think that we in Ontario have a problem of too much when so many in the world have too little.

The particular topic in Bill 143 we shall address is incineration. During the past two years in Orillia we have learned a lot about incineration and will share with you why, in 1990, we strongly opposed the building of an incinerator in Orillia, why we are still opposed to the incineration of waste and why we will continue to speak out against incineration.

We want you to be able to put faces on two citizens who refuse to be dumped on. We think you need to hear at first hand the story of the citizens of Orillia. Orillia is a wonderful, friendly city of 24,000, 130 kilometres north of Toronto. We are situated on two beautiful lakes, Simcoe and Couchiching. Tourism is a major factor in Orillia's economy.

Our city got caught up in the SWISC or Solid Waste Interim Steering Committee process—at the wrong end, we might add. On April 9, 1990 it was announced by the corporation of the city of Orillia that it had signed a statement saying in part, “The city of Orillia expresses an interest in being a host municipality.” The agreement went on to say that the city would deal exclusively with Ogden Martin Systems, a company whose head office was in New Jersey. This exclusive agreement with Ogden would expire on the happening of any one of the following events: “(a) if Ogden does not select the city of Orillia as a host municipality and (b) if Ogden's proposal is not selected by SWISC or any of its participants.” In other words, we had to be the chosen ones. This project was presented as the prize we should be fighting to get.

Let us tell you about the deal. Ogden Martin would build a \$500-million incinerator in Orillia. Toronto would

send by truck or rail 3,000 tonnes of garbage daily. We would have a place to burn our garbage, \$3 million in a new tax base, 250 new jobs and would receive 75 megawatts of electricity. We heard rumours about an Olympic-sized swimming pool and a new city hall.

At first glance it looked like a profitable deal, especially to our economic development committee and the city politicians. At this point, we citizens had no idea what SWISC was, who Ogden was, what incineration involved. We had heard that the GTA was trying to solve its waste crisis, but we had no idea or any interest in what it had in mind. After all, we were living our lives in Orillia.

Some Orillians began right away to wonder what the results would be of being the dumping ground for Toronto's garbage. What would that do to our image as a tourist area? Some wondered about real estate value. Others began to ask questions about where the incinerator would be sited, how much garbage we would be burning, how would it get to Orillia, where would the ash be dumped, how much water would be required to make steam, insurance, liability and on and on. We wondered about the fact that if the incinerator cost \$500 million to build, then this must be a lucrative business for someone to want to invest that much. Where would all the money come for this business to make a profit?

Many of our questions have remained unanswered to this day. For example, who would be responsible for providing eight million litres of water daily? Who would be responsible for treating the contaminated water which is discharged from the plant? Who tested for emissions from the stack? Who determined the frequency and the kinds of testing to be done? We found out that one dioxin test cost \$250,000. Who would be responsible for providing all support services, road maintenance, fire protection? Would the facility be insured? Where would the one tonne of toxic ash a day be placed? We knew that in 45 days the amount of garbage we had for a year would be the same as the amount of ash produced. Would the filters be cleaned, how often and on and on. The more questions we asked, the more we realized that we were the ones facing Toronto's waste crisis.

Some things we were told by our city politicians and employees of Ogden Martin were that the air coming from the incinerator would be purer than the air in Orillia at that time; the garbage would be sorted by a crane operator who would be perched many, many feet above the garbage; the ash would be dealt with later; it would be computerized; we should be good neighbours and help Toronto with its problem, and the favourite answer to our questions, “We'll get back to you.”

We had to decide who should be believed. We ended up by believing the people who shared the same values as we did. Many people in Orillia began to network, talk with each other and ask more and more questions. We attended a symposium at the University of Toronto to get more facts, as our politicians encouraged us to do. I could not believe my ears when I heard Dr Curtis Travers of Oakridge National Laboratories in Tennessee tell us that the risk analysis showed that only two persons in 10,000 would get cancer from this operation. This man was admitting incineration

causes cancer. Since I had undergone major surgery in 1981 for cancer, my husband and I did not take lightly the fact that someone living somewhere else had decided that it was all right for 2.4 persons in Orillia to get cancer. We wondered if that was a volunteer position or if we could nominate somebody. Does it not seem unethical and irresponsible to you that anyone would knowingly discharge any amount of cancer-causing substances into the ecosystem?

The physicians of Orillia submitted a report entitled *Hazards of Incineration*, which was prepared "out of concern for our patients and families as well as our soil, our water and our food." They searched three computer databases for the health effects of incineration technology. The physicians met with representatives of Ogden Martin and contacted others living with incineration. They then presented information to the city council as well as to the public. They were very concerned about the health effects to those under their care.

By using figures supplied to them by Ogden Martin, our physicians found out that in one year we could expect many emissions in Orillia, including the following: 4.9 tonnes of mercury, 558 pounds of cadmium, 25.7 tonnes of lead, 12 kilograms of arsenic and 0.022 kilograms of dioxin.

1420

Mr Cousens: Can I ask you the source of that, just so I know where you got that from?

Mrs C. Cooney: This was in the physicians' report, *Hazards of Incineration*.

Mr Cousens: Thank you.

Mrs C. Cooney: Let us take a closer look at one, mercury. We all know about restrictions on consumption of fish because of mercury contamination. Mercury is present in batteries, fluorescent lights, plastics, dyes. In Metro Toronto, up to 15 tonnes would be thrown away each year.

Municipal waste incineration is considered the largest source of mercury entering the urban environment. We in Orillia could expect 4.9 metric tonnes of mercury each year of operation. Exposure to small amounts of mercury over extended periods of time results in chronic mercury poisoning, which affects the nervous system and may cause birth defects. Children are particularly susceptible. Symptoms of mercury exposure include tremors, irritability, kidney failure, loss of memory, speech disorders, neuromuscular disorders, personality changes, including depression and memory loss, and headache may result. In high levels, blindness, paralysis, coma and death may result.

Here is some information about mercury we have found out since that time as reported in *Science News*, volume 139, March 9, 1991: "Children exposed in utero to even low doses of mercury can develop a range of more serious problems, from psychomotor retardation, including delays in speech and walking, to birth defects involving severe brain damage."

We also found out that one third of a gram of mercury is enough to contaminate a 25-acre lake—and we could expect almost five tonnes a year?

The doctors recommended that, for the sake of the health of the citizens of Orillia, the incinerator project be stopped.

Beyond belief, our city politicians sided with Ogden Martin, not with those who had elected them to represent them. Personally, I became very angry. How could our politicians not be concerned about the risks to our health? How could they not care what was happening to the people in Orillia? What had happened that those elected to represent us were taking the side of an outside company? We could not believe that our city politicians would start to ridicule those who had elected them. The most common question we heard from citizens was, "Who is being paid?" In fact, in speaking to people throughout North America, that is the most frequently asked question we hear.

We later heard one of our politicians say that they were "brainwashed." In fact, we now have a videotape of a training session by an incinerator company in which real politicians are role-playing how to fend off their citizens, even to the point of shooting the citizens. What a shock to feel all of a sudden that we were now seen as the enemy. We were shocked to see police with guns visible at our city council meeting in Orillia.

By the way, Ogden Martin threatened a lawsuit against the Orillia doctors who signed *Hazards of Incineration*. This threat is still pending, as far as I am aware. This is quite a common practice in the United States and is known as SLAPP, meaning strategic lawsuit against public participation. Its purpose is to intimidate people from speaking out against the siting of polluting facilities, for example incinerators. It was interesting that one of the doctors who had not signed the report initially added his name to the report when the lawsuit was threatened. In his opinion, a company which would sue physicians who expressed concern for the patients under their care was a company he did not want in Orillia.

A group of businessmen took out full-page ads in our local newspapers opposing this project. Citizens picketed city hall. Students held a rally at city hall and met with the mayor. Individuals wrote letters. Some children wrote letters to a local newspaper. I have a couple of samples I would like to read for you.

Rosanne says: "What about us kids? They should think about us. When we grow up...where will we put the ashes?"

Christopher said: "I think it's a bad thing because it sounds like some kind of con. People could get sick because of the bad air the machine gives off, and what about the leftover garbage? And what if this machine cuts out on us? I can't trust this machine."

This one is from a Metro councillor, Mr Howard Moscoe, in an open letter to the mayor of Orillia: "I chuckled when I read how you had swallowed hook, line and sinker the Ogden Martin system for waste disposal. Metro would be delighted to send you all its garbage to burn. Better that your residents should breathe it than our residents drink it. I understand you have not yet figured out what to do with the ash, which is significantly more toxic

than the garbage. Don't send it to Metro—we won't bury it here."

A petition of over 9,000 signatures opposed to the incinerator project was given to city council. A saturation telephone poll of over 2,000 people told us that 75% of the people said no to incineration. The Chippewas of Rama first nation, in a reserve located two miles downwind across Lake Couchiching, wrote to our city council reminding it that the first nation reserve was only a breeze away and that they no longer had the option to pack up and move away.

Citizens from all walks of life and all age groups began to ask questions. We spoke to mothers and fathers who told us about the health risks and we spoke to politicians who told us about the economic problems they were experiencing. We want you to understand that the strong, swift opposition to this incinerator project in Orillia was community opposition. It was not just a few radical environmentalists, as some might lead you to believe. The momentum built quickly and strongly from all over the community.

Finally our city council, on July 11, 1990, three months and two days after its initial announcement, unanimously decided that Orillia would not be a willing host for this incinerator project.

Briefly, let's look at some advantages and disadvantages of incineration.

Advantages: Incineration does not necessitate any change in the habits of consumers, waste haulers or manufacturers; it is a big boost to the construction and engineering industries; it generates steam and/or electricity, and it greatly reduces the volume of garbage.

Disadvantages: The products of incineration are air emissions and ash. Three classes of substances in stack emissions must be considered: acid gases, toxic metals, and newly synthesized organic compounds, which are persistent and build up in our bodies, in wildlife and in the food chain.

1430

Mothers are passing on the toxic loads of their bodies to their children. One of the most striking statements I have heard was a statement by a doctor in Germany who said, "When we have to tell mothers to limit breast-feeding, we are looking at the beginning of the end of mankind."

It is now recognized in the scientific community that pollution in the Great Lakes comes in large part from the air. Legislation regulating and licensing pollution was made when this information was not recognized. Incinerators are present near 18 identified hotspots of mercury contamination in the Great Lakes.

It is important to remember that the better we get at capturing the contaminants in the air emissions, the more toxic the resulting ash will be. Let's look at the ash. There are two kinds of ash, bottom ash and fly ash. The United States Environmental Protection Agency reports that 100% of all fly ash samples and 38% of bottom ash samples failed the tests for either lead or cadmium or both. Samples of ash from Victoria Hospital in London, Ontario, as well as samples from the Ogden Martin plant in Burnaby, British Columbia, have tested positive for toxicity.

Incineration wastes paper, wood, textiles, etc. The energy recovery from burning garbage is less than the energy saved when the material is recycled. Not many jobs are created. More jobs can be created in the arena of aggressive reuse and recycling. As Dr Connett has so eloquently told you, even if burning waste were perfected so that no environmental or health risks were involved, it just does not make any sense to burn our resources.

We would like to talk briefly about the environmental assessment hearing process. During the past week we have been watching the hearings and have heard many of those making presentations to this committee calling for a full environmental assessment hearing on all projects. We have heard Mr McClelland, the member for Brampton North, asking presenters if they do not agree that this is a good idea. We think that this is a trick question, and we wish to address the point.

Our experience in participating in the environmental assessment hearing on our dump in Orillia this past September helped us to understand the process and to see what was really going on under the guise of "receiving public input." This process is indeed flawed, because the wrong questions are being asked. The Environmental Assessment Board panel said our hearing on the dump had as its purpose the protection of the environment, but the hearing turned out to be about whether or not we should continue polluting and wasting resources.

We were quite surprised that lawyers for the city of Orillia, for the county of Simcoe and for the Ministry of the Environment, who were being paid by ourselves through our tax dollars, were all fighting to continue dumping unknown substances into a wetland on the shore of Lake Simcoe. We ended up fighting about the wrong topic, at great expense to the taxpayers.

The questions we should have been asking at a hearing to protect the environment are, how can we facilitate as quickly as possible the prevention of pollution and how can we facilitate as quickly as possible the conservation of resources? Common sense. There are some concepts which in and of themselves are wrong and unethical. To waste resources is wrong. To poison the land, the air and the water is wrong. All thinking persons will agree.

It is a waste of time, money and energy to hold a hearing about whether or not we should continue wasting and polluting, to hold a hearing about finding the place of least resistance to the dumping of poisons, or to hold a hearing about incineration, a process which wastes resources and creates dangerous compounds and then discharges them.

There would be a sound purpose in an environmental assessment hearing to find out how to effectively, efficiently and expeditiously save our resources and prevent pollution. But do you really need public input on how to do this? We know you have the information. We wonder whether the environmental assessment process is not a selling opportunity for those who see the managing of products in the "post-consumer marketplace."

After our city council decided to say no to the incinerator project for Orillia, Harry Olivier, vice-president of marketing for Ogden Martin, is quoted in the Orillia Daily Packet and Times of July 12, 1990 as saying: "It's a case

where the process of an environmental review was not allowed to take its course. It's a pity the project was not given the chance to be assessed fairly."

It seems to us, as citizens, as though Harry Olivier thought that by holding a hearing we could be convinced that all that mercury would be good for our children or for our senior citizens or for the fish in our waters, or that all that ash would somehow be an advantage for Orillia. No amount of gibberish will ever lead us to believe that it is good for us to poison or to waste our finite resources. As Dr Connett recommended the other day, we citizens will not let go of our common sense.

Have you ever wondered why it is difficult to site an incinerator or a landfill? People are not fooled by changing the name to "resource recovery facility" or "energy-from-waste facility" or "sanitary landfill." Dr Barry Commoner calls this "linguistic detoxification." There is no such thing as a safe landfill if we are dumping poisons into the land. There is no such thing as a safe incinerator if it discharges any amount of poisons through the stack or in the ash.

Our recommendations, about which we are quite serious, are these:

First, all products that are being wasted, which some call garbage, must be looked after as close to the persons wasting them as possible. It just does not make sense that energy be used to transport waste. That means the management of our resources must be kept at the local level and that it must be kept small. We recommend local control.

Second, we recommend public ownership. We refer you to Mr John Calvert, CUPE. Remember Keele Valley?

Third, to handle these excess products, use people before machines, and use small machines before large ones. Think of the jobs that could be created.

Finally, a recommendation about those operations, for example, incinerators, which have your permission to discharge any amount of persistent toxic substances into the air, land or water. We recommend that the polluters, until they stop the discharge, at the very least must pay the total medical bill for the province, the total educational bill for special education classes, and the total bill for complete testing of all drinking water supplies and the supplying of safe water to the residents of Ontario.

1440

It is imperative that citizens and corporate entities take responsibility for their actions. Critical times call for critical measures. It is time to end this massive human experiment, waiting to see what toxic load we can handle in our bodies. None of us devised this experiment, nor have we consented to it, and we must consider our children.

In closing, Jordan, a two-year-old who came with us today, gave me this when we met and asked me to bring it to you: his cloth diaper. My husband says, "And that's the bottom line."

I would like to read a few comments from people who could not take time off their work to be here with you today:

"Why is there such a push or drive for incineration? It would make one think there is more at stake than just waste management."

"We are concerned very much about the private sector pushing for control over waste management. The issue of private companies making a profit on the already overburdened taxpayers—common cost, private profit—isn't fair."

I have a letter written by Mr David Brister, a teacher and father in Orillia:

"Western society is slowly being buried by and suffocated with its own filth. The technology that has helped create our abundant lifestyle has also proven disastrous to the natural world. The further technology has advanced, the more remote our thinking has become from common sense.

"Now that we are in this 'techno created mess' we seem to be able to think of nothing less than 'techno created fixes,' forgetting that it is technology that has put us in this predicament in the first place.

"We do not need incineration, or plants to recycle drinking boxes or disposable diapers, or even plants to recycle one-use pop containers of any kind. What we need is a fundamental shift in our relationship with the planet that maintains all life, Earth.

"No matter what the techno-wizards from the incinerator or recycling companies tell you, theirs is not part of the solution, only more of the problem."

It is signed David Brister.

Mr W. Cooney: I am Bill Cooney, Madam Chair. I would just like to add a very brief footnote to Colleen's presentation. As she has outlined, during our efforts to halt the incinerator in Orillia we became very familiar with terms like "dioxin" and "furans," so last fall we were delighted to see a citizens' conference on dioxins slated for September 21 and 22 at Chapel Hill, North Carolina. We both attended.

There were two whole days on dioxin. The outline is very brief. The opening address, "We need the whole truth about dioxin," was given by Admiral Elmo Zumwalt, Jr. It was followed by the presentations "Dioxin: A layman's guide," "Dioxin and human health," "Dioxin: Manipulation and fraud," "Shifting the focus to the front end," "Case studies of waste reduction," "Chlorine," and finally, "Banning incineration."

The presenters were an extraordinary group of doctors from the United States, obviously, and also from Germany, Holland and Sweden. The keynote speaker was Admiral Elmo Zumwalt, Jr, not so well known in Canada but very well known in the United States. From 1968 to 1970 he was commander of the US naval forces in Vietnam, and from 1970 to 1974 was chief of naval operations and a member of the joint chiefs of staff. He is a man of extraordinary knowledge and presentation. He had ordered the use of dioxins during his time in Vietnam in the form of Agent Orange. Now he is spending the major portion of his time being a severe critic of dioxin. His own son fell victim to it.

At the end of the conference we were informed that tapes and transcripts would be available. You could contact Work On Waste USA—you are familiar with that organization through Dr Connett—or any of the information

contained in our brief handout would be able to get you in touch with this particular conference. That is all I have.

The Chair: Thank you very much for your presentation. I have several questions from members of the committee. Mrs Mathysen.

Mrs Mathysen: Thank you for your presentation. It was very informative and helpful to hear about how your community approached the incinerator problem. I have a couple of quick questions. My first question has to do with the report from the Orillia doctors, Hazards of Incineration. Is that report still available or has the gag order they have been placed under—

Mrs C. Cooney: As far as I know, because of a threatened lawsuit which I believe is still pending, the doctors have been advised—you will have to ask the doctors. I am not really familiar with what information has been given. As far as I know, the report is not available.

Mrs Mathysen: I see. I was intrigued by your description of the videotape. It seems really excessive to me.

Mrs C. Cooney: The one on the training of politicians by the incinerator company.

Mrs Mathysen: Yes.

Mrs C. Cooney: That is available from Work On Waste USA. Dr Paul Connett has that tape available.

Mrs Mathysen: Who produced it? Who was sponsoring this?

Mrs C. Cooney: I can tell you where it came from. A group of politicians in the States somewhere were being trained by an incinerator company. One of the politicians went along with the videotape and the training but he was not really brainwashed, so he gave the tape to some citizens groups and they have given it to other people. I know Dr Paul Connett has that tape available. It is very interesting.

Mr McClelland: Madam Chair, how much time do we have? I know we are running a little tight.

The Chair: You have six minutes and Mr Cousens has five. He asked one question during the presentation.

Mr McClelland: Thank you for coming, Mr and Mrs Cooney. I appreciate your being here. The questions that were put to other people about environmental assessment were not trick questions. Let me tell you why, if I could, by way of preamble.

A lot of people share the same fundamental values you have—people who have been active in the environmental community, organizations that would be well known to you, organizations that I believe share the same fundamental principles many people here, yourselves included, share. They have a belief and a sense that public participation and public knowledge are perhaps some of the best vehicles and tools to help us to begin to act as a society to change the way we think, to change our attitudes towards many things, as you have well put before the committee today. It is that kind of mentality that says people have a right to participate and a right to know about what is going on in their own backyard. People such as yourselves have a right to challenge the information being put forward. To use your terminology, if people are being brainwashed, that ought to be exposed. People in a free and democratic

society—there are some fundamental values in terms of fairness and principles about disclosure and accountability that are very important.

That is why there are people concerned, as you heard. You indicated you have heard people presenting before this committee, including representatives and some very able people learned in the law presenting some of the reasons they believe Bill 143, in its very essence, is contrary to many of those fundamental principles about the environment that have been hard fought for, notwithstanding your accurate assessment that the environmental assessment process needs to be fixed. I do not think anybody has ever argued that. Many people have been involved with it, myself included, together with a citizens' group and ratepayers' association in my community and also when I served at the Ministry of the Environment as the former minister's parliamentary assistant—a minister who, I might add, was committed to the process in terms of giving everybody an opportunity to present, who was instrumental in introducing intervenor funding so that citizens' groups and individuals could participate fully.

In terms of response to your suggestion that there is a trick question, I do not think there is anything tricky about it. I do not know why you feel that, and that is up to you, whatever motives you want to ascribe, whatever. There is no trick question.

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I have to ask people like Dr Connett, "Do you know about the environmental assessment process?" who would say, "No, I don't know anything about it, but I'm going to tell you, Bill 143 is good stuff"—somebody who came in from the United States. I am not arguing the things he said in terms of his fundamental principles, some of the things you are talking about. We agree with those, but to say that because some of those principles are embodied in parts of Bill 143 it makes the other stuff okay, I think defies logic, quite frankly. Because something, to use your own words, "is a little bit good," I do not think it makes the poison part of it—if ash has poison in it, is it not all bad?

That is the question we are talking about in Bill 143. If there are things fundamentally wrong in terms of public participation, then I want to know if people believe in that. I want to know if people believe in putting facts on the table. I want to know if people believe they should have disclosure. That is why I put to Mr O'Connor, the parliamentary assistant, and I am going to do it again tomorrow, whether he is prepared and if his government is prepared to release the list of sites that have been placed around this province. Mr O'Connor said the government does not have a list.

There are dozens, if not hundreds, of organizations and groups, communities of citizens, people such as yourselves, who are very concerned about the poison in their water and air; about the poison that will come to their children and affect their lives; about the impact it will have on their health and on the ecosystem.

Because of those fundamental principles in which I and many other people happen to believe in terms of the environmental assessment process, I want to know when people come here and say how great Bill 143 is—I am not

talking about the principles you espouse. I would like to know from Mr O'Connor if he is today prepared to release the list he says he does not have, or if he has been able to pull it together, the list his government was apparently hiding, referred to in letters he has received today; the list, I might add, that his House leader on December 2 in a memo to our House leader, Mr Mancini, and the Conservative House leader, Mr Eves, said would be released on or around December 19 if we agreed to pass the bill.

It is because of our participation and belief in the environmental assessment process that I want to know, Mr O'Connor; so that the people in and around Toronto who are subject to having a solution imposed on them are going to have the right to know it might be coming. Mr and Mrs Cooney have come here today and had an opportunity to put their position forward. They have articulated it very well and I happen to share the principles they have articulated today.

How about the other people, Mr O'Connor? How about the other groups in and around Toronto that want to know if they are going to be subject to a waste management site, to use the euphemisms you talked about, put in their backyards or in their neighbourhood without full public participation and without the opportunity to make their views known? Do you have that for us today? If not, when are you going to have it for us?

Mr O'Connor: Thank you, Mr McClelland, for that wonderful speech and whatnot, and I want to thank our presenters for coming here today. As to the list you are referring to, to be perfectly honest and to make sure we get the record straight on this as it has come up many times, why do we not ask the chair of the Interim Waste Authority? She is the person who will be dealing with it. I will refer that to Jan Rush, please.

Mr McClelland: Madam Chair, I am not going to accept that referral and this is the reason; I will leave it in your hands. This decision has been made, apparently, by political personnel. It has been made, apparently, at the minister's office. It has been endorsed by the House leader of the New Democratic Party and there is correspondence that has been filed. I would refer Mr O'Connor to exhibit 107017 today, which is indicative of the fact that a list was put there.

You heard on Thursday from Mr Ferguson of Metro council that it had a list submitted to the ministry staff. What are you trying to hide? What are you trying to cover up at the political level at the Ministry of the Environment in giving direction? What kind of word games are you playing here? Is it that you have a number of lists, plural? Is it that you have a file of potential sites? Is it that you have a compendium of documentation? Why is it, Mr O'Connor, that the government of the day does not want to allow full public participation for the people who may be at some risk?

Mr Wiseman: On a point of order, Madam Chair: I hope the excess time the honourable member has used will be deducted. Thank you very much.

The Chair: Correct. Mr O'Connor.

Mr O'Connor: Thank you for allowing me to respond to this again. During our committee hearings last week York region presented and made mention of some list. You are right: Reading the correspondence we received from them today, they talk about some list. To clear the record right up I think we should hear from Jan Rush, the chair of the Interim Waste Authority. I think we should clear this up because it seems the presenters have sent some correspondence and you have raised some legitimate questions. Let's have some answers. I would like to refer that to Jan Rush to answer.

The Chair: With the wish of the committee, the time has expired for this caucus's discussion. We can move on to the next caucus and defer this following the next presentation when we will have some time, or we can deal with it now, whichever is the wish of the committee.

Mr Wiseman: Madam Chair, I believe our deputants have come all the way from Orillia. I would like to hear what they have to say and we can discuss the other issues later.

The Chair: Fine. Mr Cousens, you have the floor.

Mr Cousens: I was open. If this is the direction Mr McClelland wanted to take I was willing to allow him to get the answer. I do not think it will take that long.

The Chair: You have approximately five minutes. You can request the answer in discussion during your time now or you can request that this be dealt with following the deputations.

Mr Cousens: You are not going to extend the time for Mr McClelland, then?

The Chair: We are not extending time.

Mr Cousens: If it takes a couple of minutes he can have a couple of minutes of my time.

The Chair: Okay. Mr O'Connor.

Mr O'Connor: I appreciate that, Mr Cousens. I would like to introduce Jan Rush, the chair of the Interim Waste Authority.

Ms Rush: I would like to confirm to the committee that no list exists. Significant work in progress was under way. The timetable that the Interim Waste Authority was working towards was based on a schedule set in the spring and it was relying upon a legislative mandate for the authority to be passed early- to mid-session. The bill did not proceed as the minister had hoped and it is clear when you see this legislation that the IWA needs a legislative mandate to proceed. We need it both in terms of confirmation of Part II, which sets out the conditions by which we look at an undertaking, and in Part I, the powers of entry. It was absolutely essential that those powers be in place before we could proceed. When it became apparent to the authority that the legislative mandate would not be in place in time, we suspended work on the long list. So, yes, significant work has been done, but no, it did not get to the point of a list. I hope that clarifies things for the committee.

Mr Cousens: It is a great concern because obviously the minister or someone is meddling in these affairs and we had assurances that it would be available before December 19. I am embarrassed for the ministry that it is happening

the way it is. It is too bad. It was a good question, Mr McClelland.

Mrs Cooney, I thank you for being here. We have corresponded before and it is good to meet you. I want to ask a question to do with biomedical waste. You indicated in your presentation that you are opposed to incineration of biomedical waste. I would like to ask you simply why you are opposed to it and what alternative you have for disposing of biomedical waste.

Mrs C. Cooney: As you know, Mr Cousens, I am not a scientist but I believe the scientists such as Dr Paul Connett and Dr Joseph Cummins, who are telling me that there are other ways of treating biomedical waste than burning. Does that answer your question?

I would refer you for your further research to contact Dr Paul Connett. He can explain it very clearly to you. Also, I am sure there are a lot of other scientists who can answer your questions. I am opposed to incineration as a citizen of the planet, as you are. We do not have a choice any longer of putting more contaminants into the air, water or land.

What is happening right now with hospital medical waste incinerators is that all the plastic disposables, gowns and a lot of garbage, is incinerated, whereas if we apply the 3Rs and not use disposables but use sterilization techniques, then we reduce and reuse and then we recycle what we can. There are ways of treating the contaminants in the hospital. I have heard of autoclaving and microwaving and there are a lot of techniques, but you would have to ask a scientist more knowledgeable than myself.

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Mr Cousens: I think it poses difficult questions for many with religious views, the method of disposing of amputated limbs and organs of the body. I do not know what dioxins would be created or what other problems would be attached to it. I bring that out as an illustration of the problem of being opposed to all incineration, inasmuch as it is difficult to come up with another way that could be cleaner to dispose of body parts.

It leads to the question of cremation. What do you have to say about cremation because of what is in various human bodies? There happens to be a lot of mercury; we are consuming it. Now you are coming along and are against it. What is your view on cremation?

Mrs C. Cooney: I really have not thought about that very much, Mr Cousens. I am here today talking about incineration of solid waste and that is my main topic.

Mr Cousens: I think it is a tough question.

Mrs C. Cooney: I am not here to discuss that in particular. It is solid waste we are talking about, Bill 143.

Mr Cousens: But you did bring up the whole question of biomedical waste and I just wanted to take it to the natural extension.

Mr Lessard: I want to thank you for an excellent presentation. It has almost left me with no unanswered questions, so I will make a couple of comments.

You mentioned the Great Lakes Water Quality Agreement and might be interested to know that the International

Joint Commission office located in Windsor, which monitors the compliance with that agreement, is being threatened with closure. There are people working very hard to make sure it does remain open.

You also mentioned to a great extent your opposition to incineration. As you are aware, the minister opposes incineration as well, and is today in Detroit testifying at a court hearing against the incinerator that is located there that incinerates waste. The emissions from that plant come into my riding on occasion in Windsor, so I understand your concerns as well.

You also mentioned that you had some questions concerning the Ogden Martin proposal, about what was going to be done with the ash. You were told that they would get back to you later, and they did not have any answers about that. You also mentioned that you asked about mercury emissions. Did you ever get any answers to either of those questions?

Mrs C. Cooney: Yes. Not to the ash question, but with regard to mercury we heard that activated charcoal filters will take out some of the mercury emissions, not all. When this was discussed with Ogden Martin, we were told that could be negotiated, and these cost millions of dollars. Apparently, nowhere in North America is there a "state-of-the-art facility" if they are not using activated charcoal filters. They have put them on some in Holland, but it still does not capture 100% of the mercury, which is a particularly tricky problem, because mercury becomes a gas at a not very high temperature and it is hard to capture a gas.

The Chair: Thank you very much for appearing before the committee today. If there is additional information that you think will be helpful, please feel free to communicate with us in writing. We thank you for coming forward today.

CANADIAN UNION OF PUBLIC EMPLOYEES

The Chair: I would like to call the Canadian Union of Public Employees. Please come forward. Begin your presentation by introducing your delegation. You have one full hour for your presentation. We would ask that you leave as much time as possible for questions from committee members. I want to point out to members of the committee that our 4 o'clock presentation has been cancelled because the delegate is ill, and I also want to notify Mr McClelland that I am taking two minutes off the time from his caucus for the next round of questioning. Would you please begin your presentation now? Welcome to the standing committee on social development.

Mr Stokes: Thank you. It is our pleasure to be here.

My name is Michael Stokes. I am the provincial president of the Canadian Union of Public Employees. With me are John Calvert, our senior research person in CUPE and the coordinator of our contracting-out privatization; Peter Leiss, president of Local 185 in Etobicoke and chairperson of our CUPE Ontario job security committee, and Brian O'Keefe, president of the Metropolitan Toronto CUPE council.

CUPE is pleased to be able to present our views to this committee. We know that the content of Bill 143 has important implications for the people of the province, and

particularly for those who live within the greater Toronto area. Our union represents over 170,000 workers in Ontario. Approximately 42,000 of these work in the municipal sector, 3,000 of whom are employed in collection, transportation and disposal of garbage or in the planning, management and operation of municipal recycling and waste reduction programs.

Since 1963, when CUPE was founded, our union has been deeply involved in waste management issues. Our members are not only employees; they are citizens and taxpayers in the communities across this province. In this capacity, they have a very clear interest in doing what they can to ensure that the environmental policies and programs implemented by the government deal with the waste crisis in an environmentally sound and fiscally responsible manner.

CUPE has had a very long involvement in the waste management debate within Ontario. Over the past three decades we have submitted hundreds of briefs and studies to county, municipal, regional and provincial governments. We have gained a great deal of practical experience about the operational, environmental and economic aspects of the waste industry based on the day-to-day involvement of our membership. The comments we are about to make today reflect what we have learned from this experience.

CUPE's history in promoting financially responsible, publicly owned and publicly operated waste management programs: As we noted in our introduction, we have been active for many years in trying to promote fiscally and environmentally responsible waste management. We do not have the time at this hearing to go into the details of our many past campaigns. However, we would like to give you several brief illustrations of our involvement, which we believe highlight our long-standing concerns and our expertise about waste management policies.

In 1982, Metro purchased the Keele Valley landfill, known at that time as Maple Pits. The landfill is now, of course, the subject of one of the key proposals of this bill. Metro bought the landfill from Waste Management Inc, WMI, which was then and still is the world's largest garbage conglomerate. CUPE is very proud of its successful fight to persuade Metro council to make that decision. For your information we have distributed a copy of one of the many briefs we submitted to Metro council between 1980 and 1982 as part of our campaign.

We have also with us a copy of the book we commissioned at the time, by Harold Crooks. It is entitled *Dirty Business* and has an entire chapter on the Maple Pits issue. Originally, Metro had no intention of purchasing the Keele Valley landfill. In the 1980 master plan, drawn up by its consultants and supported by its works department, there was a recommendation to take out a five-year contract with WMI. Public ownership and operation of the site was not on the agenda—not, that is, until we put it there. We believed at the time that it would be financially disastrous for the taxpayers of Metro if the world's largest waste conglomerate acquired a stranglehold over the region's future disposal capacity. We predicted that taxpayers could end up paying literally billions of dollars over the following three decades if the site were not brought into public sector control.

This was the most controversial aspect of the research we did at the time.

As we are now aware, the decision to acquire Keele Valley will eventually result in the taxpayers of Metro receiving close to \$2 billion in disposal revenues. That is \$2 billion they would not have had, had this remained under private ownership. And it should be pointed out that this money would have been paid out by taxpayers under private ownership. So the total benefit to taxpayers is even greater than \$2 billion. It is the example of Keele Valley which demonstrates so clearly why public ownership of the key components of the waste management industry is essential to protect the financial interests of taxpayers.

Our involvement with waste management did not stop with the Maple Pits issues. On 13 March 1989, CUPE released a comprehensive plan for an integrated public waste management enterprise for the GTA at a meeting with representatives of the chairs of the five regional municipalities and the newly appointed deputy minister for the GTA. A copy of that presentation was circulated to you as well.

At that meeting, we pointed to the failure of the private sector to deal with the waste crisis, the lack of the coordination among the regional governments, the absence of a coherent area-wide plan for waste reduction, the pitfalls of megaproject solutions then being proposed and the pressing need to deal with problems such as finding markets for recycled materials.

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We stressed the need for a public authority with a very broad mandate to implement a new approach to waste management within the GTA, based on integrated public planning and the establishment of ambitious new public programs.

The need for an area-wide approach was recognized, albeit quite inadequately, by the previous Liberal government, which participated in the establishment of the Solid Waste Interim Steering Committee to facilitate coordination among the GTA regional municipalities.

CUPE met with SWISC on 29 September 1989. At that meeting, we outlined further details of the economic factors which we felt should be taken into account in the GTA waste management planning. We urged SWISC to develop a coherent strategy for acquiring future waste management revenues for taxpayers. To underline this point, we made a series of financial projections which indicated that as much as \$23.6 billion could be reaped from disposal revenues over the next 20 years if existing trends continued. A copy of that brief is also included in the material circulated to you.

Last year, we released a further study entitled *CUPE's Waste Reduction Plan for Metropolitan Toronto*—we have circulated that to you as well—in which we set out the organizational and operational details of a comprehensive publicly owned and operated waste management program. Although our purpose in releasing this study was to prod Metro council into abandoning its ongoing interest in incineration and rail-haul megaprojects and instead to get it to focus on building a sound waste reduction infrastructure, the plan that we have outlined would be even more effective if implemented at the GTA level, due to the

economies of scale and the advantage of integrated region-wide planning.

We have a clear vision of what the future direction of our waste reduction and disposal should be. Our vision is incorporated in considerable detail in the different briefs and studies which we have passed out to you today. It is on the basis of this vision that we evaluate and comment on the proposals in Bill 143 today.

Principles which should guide waste management planning: We believe the waste management crisis can only be resolved through initiatives which incorporate the following principles:

1. Integrated public planning. By this we mean a number of interdependent functions:

- a) Planning which encompasses the entire waste stream, including residential, industrial, commercial and institutional waste streams.

- b) Planning which deals with every step of the waste cycle from initial production and packaging through to utilization, reuse, recycling or disposal.

- c) Planning which is sufficiently broad-based geographically so that the full scope and dimensions of problems and their solutions can be properly recognized.

- d) Planning which is public. This means full public consultation and participation in all aspects and all stages of policy development and operations.

2. Sound public economics. By this we mean understanding the underlying economic forces which shape the waste industry and using this knowledge to protect and advance the financial interests of taxpayers.

3. Public ownership, control, operation and staffing of future waste management systems. This is to ensure that taxpayers acquire the very large waste-stream revenues and that these revenues are used to put in place effective environmental programs.

4. Democratic control of waste management decision-making. Public participation must be a central component of all waste management planning.

5. Responsible environmental policy which gives a clear priority to reduction, followed by reuse, recycling and disposal. Minimizing disposal must be the long-term objective of our waste management planning.

The waste management problems facing Ontario, which are particularly acute within the GTA, stem from the failure of a largely unregulated private sector approach to waste management. The profit motive, rather than concern for the environment, has been the driving force of most waste management decision-making within the province.

This approach has deeply shaped public policy. Needed environmental initiatives were avoided or weakened by previous governments to ensure that public policy did not fundamentally interfere with the profit-making activities of the waste industry. Municipal and regional councils failed to put in place urgently needed public programs because they were reluctant to challenge the control of private waste industry over key areas of decision-making.

CUPE believes that as long as our future waste management programs are dominated by the primacy of the profit motive, Ontario's efforts to implement a truly effective 3Rs program will not succeed.

Mr Calvert: I am going to continue with the next section of our presentation. What I am going to talk about is the economics of waste management and specifically what CUPE has learned over the years about the importance of taking into account economic factors in developing waste management policy.

Our approach to waste management issues has been informed by a belief that sound public policy can only be developed if public policymakers have a clear understanding of the underlying economic forces which shape the waste industry.

We have included in the material which we have handed out a study entitled *A Primer on the Economics of the Waste Industry*. This study lays out clearly the underlying economic dynamic of the industry. As I said before, an understanding of this dynamic is fundamental in developing sound waste management policy. This is the orange-coloured study that we passed out to you. I shall summarize very briefly the key points which are contained within that study.

First, the waste industry is not a traditionally competitive industry in which the forces of supply and demand operate freely. Instead, it has strong economic tendencies towards oligopoly or outright monopoly. This is because the supply of one of its critical components, landfill, is highly restricted, giving landfill owners enormous leverage over all other aspects of the waste stream.

Second, it is not a traditionally competitive industry because, from an operational perspective, there are enormous economic benefits arising from being a single supplier or one of only a small number of suppliers of waste management services. The advantages of being a single supplier in a market are very great because of the nature of the activity being provided. We will give you one example of this that clarifies the point. In the residential sector, no one would seriously argue having half a dozen different garbage companies collecting waste on the same street would make any sense. We use the single supplier model because it is the most efficient approach. It minimizes duplication of staff and equipment and it also facilitates efficient route planning. It also, by the way, minimizes needless duplication of capital investment.

In this regard, and this is our key point, it is like a public utility, similar to a hydro-electric service, a water service, many other services which are provided by a single supplier as either crown corporations or public utilities. In the industrial and commercial sectors the same principles apply; our paper, *A Primer on the Economics of Waste Management*, explains this in much greater detail.

The emergence of three giant private waste firms across North America is explained by the underlying economics of the industry, by what makes sense economically. Given the industry's natural economic tendencies towards oligopoly and outright monopoly in certain geographic areas, the public policy question is quite clear. We can organize it as a public utility or allow it to be run as a private, unregulated cartel. These are the basic choices. Ignoring the inherent economic character of the industry by pretending it is driven by conventional market forces is no answer because the underlying economics of the industry

make it most rationally organized on the basis of being a single supplier, that is, as a public utility or private monopoly or cartel.

This analysis explains why the industry has evolved towards dominance by these three large companies. It explains the phenomenal level of mergers and acquisitions. In this document I passed out there is a table showing the number of acquisitions, on page 13, annually by one of the three large waste companies. You see that they are actually acquiring more than 100 companies a year. The basic underlying economic character of the industry also explains the many examples of cartel-like behaviour which have been exhibited by the waste firms.

CUPE believes that a public utility model is the only appropriate choice to protect the public interest. It is only by public ownership and operation of the central components of the system that the public can ensure that its interests, both financial and environmental, can be protected.

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Our analysis also rejects the other model, regulation, frequently used with respect to natural monopolies such as the telephone system. Regulation is not in the financial interests of taxpayers because it leaves waste revenues in the hands of the private waste industry. Regulation cannot address properly the problem of the enormous windfall revenues from disposal, and historically the track record of attempts to regulate the private waste industry is nothing short of dismal across North America.

Recognition of the underlying economic character of the waste industry is essential for the development of sound waste management policy. This is a lesson which CUPE has learned over the last 20 years in dealing with this industry.

I would like now to turn to some comments on the bill itself. The first set of comments deal with parts I and II of the bill. Part I of the proposed legislation, as you know, continues the Interim Waste Authority, defines the powers of the authority and gives it the right to expropriate in the public interest and carry out inspections of facilities and sites. Part II deals with the establishment of the three public landfills to accept future waste from Metro, Durham, Peel and York. Because these two sections of the bill complement each other and form an integrated plan for dealing with the GTA waste crisis, we think it appropriate to comment on them together.

First, the Interim Waste Authority: CUPE welcomes the continuation of a public authority to be responsible for waste management planning which will operate across the boundaries of Metro, Durham, Peel and York. We have long advocated the view that an integrated, public, GTA-wide approach was essential to resolve the waste crisis in this part of the province.

The reason a GTA-wide approach is important is that the entire area is one economic region. Historically, lack of coordination among municipal and regional governments within the area has been a major impediment to the development of effective solutions to the area's environmental problems.

A GTA-wide approach also provides the basis for long-term integrated public planning of the waste stream. It

provides the opportunity to take advantage of the economies of scale in terms of planning, research and development, public education, marketing and a wide variety of other operational matters. These economies of scale are particularly relevant with respect to managing the industrial and commercial sectors of the waste stream.

Second, the bill deals with the question of public ownership of future GTA landfills, and this is a part of the bill which we strongly endorse. We believe this is the lesson of Keele Valley. It is the lesson which we learned over a decade ago and which we are pleased to see incorporated into the draft legislation.

In our view, there is no justification for private landfills in future GTA waste management planning. The windfall revenues are simply too large even to think about giving them away to private interests. Equally important, the revenues are critical to our ability to finance ambitious waste reduction programs in the coming years.

Third, the ban on incineration: We endorse and support the government's policies with respect to the ban on incineration in Ontario. This clearly impacts on options selected in the GTA as well. Our objections to incineration are both environmental and economic. Environmentally, we have serious concerns which many other groups have also voiced about the impact of incineration on air quality, the residual fly ash, and in particular in contaminating our landfills. More important, we believe incineration involves a commitment to burning materials which can be reused, recycled or composted. To feed an incinerator there must be a steady stream of combustible material, yet it is precisely this material that we should be source-separating from our garbage.

From an economic perspective, we feel that incineration is a very bad investment. If we spent the same amount of money investing in waste reduction, we would be far better off as a society. Instead of spending tens or hundreds of millions on destroying our garbage through incineration, we should be focusing similar levels of investment on waste reduction programs which will result in our society not generating the garbage in the first place. The latter option will also create far more employment per dollar spent because it does not involve enormous capital expenditures. We should be doing it anyway because it is the right thing to do.

From the taxpayer's perspective, incineration is also a very bad option. While the costs of acquiring landfills have gone up substantially because of the environmental assessment process, they are also the source of very large revenues. Incineration, in contrast, is very expensive and many municipalities across North America have been badly burned financially, if you will excuse the pun, by decisions to invest in this technology. We refer you, in this regard, to the study *Rush to Burn* published by *Newsday* for a long listing of the financial problems experienced by municipal and state governments in the United States.

The commitment to find sites within the GTA, ie, no rail-haul megaprojects: A second type of option, rail haul to Northern Ontario, has also been rightly precluded by this legislation. CUPE has very serious concerns about such a megaproject because it involves an enormous investment in

the wrong kind of waste management. Metro's original proposal for the Kirkland Lake scheme was to have cost \$382 million. Subsequently we have heard much higher estimates as well. In any event, it is a very large investment, and what do we have at the end of it? We have a system for institutionalizing the disposal of garbage for a very long time into the future.

Again, the issue of alternatives arises, as with incineration. If we were to invest the \$382 million in a new public waste reduction program within Metro, to stick to this one specific example, then we believe that this would be a much better long-term way to invest our environmental dollars. Far more jobs would be created because a sound waste reduction program would be much more labour-intensive. We would have the resources to do the kinds of auditing, collection of used materials, investment in research and development and so forth that would bring long-term benefits from an environmental and economic perspective.

It has been a source of enormous frustration to CUPE that very large sums of public money have been allocated by Metro and other regional governments to explore costly high-tech options such as incineration and rail haul yet no significant funding has been forthcoming to investigate the enormous potential benefits to taxpayers and waste generators of a new comprehensive public waste reduction program along the lines we have outlined.

In sum, we endorse the government's commitments to maintaining a GTA-wide authority to ensure that future landfills will be public landfills. We also endorse this commitment to banning incineration and to stopping the export of waste outside the GTA. These sections of the bill incorporate major advances.

Mr O'Keefe: I am going to deal with the next part.

Having noted the positive side of the legislation, we also feel obligated to comment on some of the weaknesses which we believe need to be addressed before the bill is passed in the Legislature.

The mandate of the Interim Waste Authority: CUPE has never believed that the purpose of a GTA-wide authority should be restricted to looking for landfill sites. While public control over the disposal end of the waste cycle is essential, it is not enough.

We are concerned that these sections of the bill do not incorporate proposals to put in place the kind of public infrastructure which we believe is now so desperately needed to deal with the waste crisis. Having taken on the enormous responsibility of dealing with the disposal shortage, it seems to us perfectly reasonable that the bill would go on to set out how the government intends to use the authority to build a sound waste reduction infrastructure in the GTA, particularly in the ICI sector. By ICI we mean industrial, commercial and institutional waste.

Consequently, we believe the authority should not be a temporary body restricted to landfill site search. Rather, it should be a vehicle to put in place major new public investments in waste reduction. The kind of program we see as essential is set out in great detail in the document *Coping With Our Garbage: CUPE's Waste Reduction Program for Metro Toronto*, which has been passed out to you. As noted earlier, this program was developed to prod Metro

into taking action. However, for reasons of economy of scale, it would be even more appropriate at the level of the GTA.

There is an urgent need for a new GTA-wide public program in the ICI sector for the following reasons:

1. The ICI sector currently accounts for 60% of the waste stream. Despite the inherent economies of scale with respect to containerized collection, transportation and marketing and despite the fact that enormous revenues are being collected from tens of thousands of businesses in the GTA, this sector has done the least to promote effective waste reduction. In our view, this is because waste reduction initiatives are being severely impeded by the profit-driven activities of the private waste industry.

2. Tens of thousands of businesses in the GTA who need comprehensive waste reduction programs, and who are quite willing to cooperate in implementing any sensible waste reduction initiative, currently have no access to a public alternative because none currently exist. These businesses have every right to a high-quality public service which would assist them in auditing their waste; provide education to their employees about sound environmental practices; implement specialized collection services for used materials; see that those materials are properly handled and marketed, and at the other end of the cycle provide them with helpful information about materials being collected, which they could utilize in the manufacture of environmentally responsible products. This program would accelerate our waste reduction goals and be of enormous assistance to businesses across the GTA.

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3. The fact that we do not have a comprehensive public waste reduction program means that taxpayers are forgoing tens of millions of dollars in potential revenue annually from the collection and sale of valuable used materials which in our view should be plowed back into waste reduction services. These revenues should also be used to cross-subsidize the collection of other, non-profitable materials which should not be going into our landfills. It is not accidental that the waste conglomerates have begun including restrictive clauses in their contracts with customers requiring them to give recycled materials to them as a condition of collection services for mixed waste.

4. Attempts to regulate the behaviour of the private waste companies both environmentally and economically by municipal, regional and provincial governments are woefully inadequate. Aside from the fact that staffing levels are not remotely sufficient to ensure that there is full compliance with the environmental regulations, the government does not have the ability to regulate the economic side of the waste industry.

Governments at all levels do not have the relevant information needed to put in place effective waste reduction programs, because they are reluctant to challenge the dominance of the private waste haulers in this sector of the economy. For example, they have no database on disposal charges paid by the tens of thousands of customers of the waste haulers, they have no data on the number, size and frequency of collection of containers and they have no independent data on the amount of used materials and their

value which are now being collected by the private waste industry.

There is no system in place to monitor, publicize and, where appropriate, regulate the prices charged to customers. In the absence of a legal framework which permits class action suits, such as is the case in the US, customers are dependent on government to look out for their interests. We believe that the government does not have the tools to do this properly.

5. In not making a commitment to invest in a new public waste reduction infrastructure, the government is missing the opportunity to create thousands of new environmentally responsible jobs. These jobs would be in a wide variety of areas including planning, providing extensive auditing services for business, collection, transportation, handling, sorting and marketing of used materials, operating facilities, research and development and public education on waste reduction. And new public investment would be a boon to the construction industry.

Given the depth of the recession and the pressing need for a wide range of employment-generating initiatives, the implementation of a comprehensive public program would have enormous economic benefits to the area. If I might add, this seems a great opportunity to kickstart our economy in a period of recession. It is also, I think, a great opportunity to launch a whole new industry processing waste materials, and this could set the trend for North America here in Ontario.

6. The absence of public control over the used materials stream will impede the government's ability to guarantee a secure feedstock of used materials for local industry, a feedstock which ought to be one of the key components of a green industry strategy.

7. The lack of an integrated, GTA-wide public system is also making it much more difficult for municipal governments and regional municipalities within the area to gain the full economic advantages from their residential recycling programs, particularly with respect to marketing. Where for economic regions there are major economies of scale in the planning and operation of waste management and recycling systems, public policy should be shaped to ensure that these advantages are fully utilized.

8. The lack of such an authority is hamstringing the province's efforts to assist other regional municipal governments across the province. The authority should be a model and a source of expertise that all municipal governments can draw on.

Perhaps a bit more clarification about the broadened mandate of the authority which we are advocating would be helpful. We do not see any pressing need for the authority to get involved in taking over the current residential waste management operations of area municipalities. It can work with their current works departments to see that our residential collection systems, blue box programs, home composting initiatives and so forth are properly coordinated throughout the GTA.

It will have to take over the disposal functions of the regions, but it is already doing this in respect of future landfills. However, it should leave the operations of the current municipal waste management facilities in regional

hands in the short and medium term while it focuses on the establishment of the public infrastructure program in the industrial, commercial and institutional sector which we have set out above. The emphasis here is on getting control of the ICI sector, because that constitutes 60% of the waste drain.

The residential sector is not where the major problem currently lies; it is in the ICI sector. This is where new GTA-wide public programs would make sense. This is where the authority should focus its initial activities. It should be remembered that the private waste companies are not restricted, in their planning and operations, to municipal or regional boundaries. Ontario is only a small, local region in the wider North American operations.

As we have seen with the rapid increase in the export of waste, the companies are not seriously impeded in their planning, even by national boundaries. Indeed, it is one of the great ironies of the concern which people legitimately raise about reinforcing the ability of local communities to have more control over waste management decisions that the private waste industry has become more international in its operations. Restricting public waste management decision-making to the level of individual municipalities or regions while allowing the private sector to plan on a province-wide or North America-wide basis is not sound public policy. It ignores the lessons which we think are clear from the economic character of the industry.

Thus, we would recommend that the current mandate of the Interim Waste Authority be amended to allow it to put in place a new public waste infrastructure along the lines suggested above. We would be pleased to be involved in consultation about the many organizational and operational issues which would arise in the process of expanding the role of the authority.

Mr Leiss: Comments on the bill: This section deals with the lifts at Keele Valley and Britannia. It requires certain actions by the regional governments affected, and it overrides certain sections of existing legislation and certain agreements between the regional governments.

CUPE realizes that it is essential to handle the disposal gap which faces the regional municipalities in the GTA. This problem has been a source of enormous controversy over the last five years and beyond that.

The lifts are at this time the best alternative. There have been many approaches suggested to deal with the current problem, but our view is that the decision to implement lifts is the best of the alternatives available.

The question of the initial location of a landfill or expansion of an existing landfill is one which will always give rise to concerns, particularly among residents in the adjacent areas. We are sympathetic to the concerns of local residents. However, we also believe there is a difficult problem—where to put the garbage—which has to be resolved. This problem is one which, no matter where we locate the site, will cause some degree of hardship for local residents.

CUPE has always felt that the most important issue with respect to landfill policy was ownership, not location. The key priority is to ensure that landfills are public and that revenues are returned to the taxpayers. While this decision

will cause hardship, on balance we think it is the right decision.

We should point out that one of the consequences of the decision to implement the lifts will be to bring a very large chunk of revenue to municipal governments concerned. It is our understanding that the volume of extra garbage will amount to approximately 4.5 million tonnes. At current disposal fees of \$150 per tonne, this amounts to \$675 million in revenue for the taxpayers. While a small portion of this will have to be used to expand certain facilities, including new transfer stations, most of it will be revenue gain for municipal governments which can also be used to reinvest in environmental initiatives.

Consequently, we think the government has made the right decision regarding the lifts at Britannia and Keele Valley.

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Waste export: Having made these points about the positive components of this bill, we must voice our concern that action has not been taken to stop the export of industrial, commercial and institutional waste from the GTA to sites in Pennsylvania, New York, Michigan and other US states, as well as to sites in other parts of the province.

The application of the principle that communities should be responsible for their waste must be fairly and comprehensively applied. It is inconsistent to make it a principle that we should be responsible for disposal within our regions or within the GTA and then allow private interests to profit from the export of massive amounts of waste. It is also inconsistent to say it should only apply to residential waste.

We do not have the latest figures concerning the loss of ICI waste revenues to our public landfills in the whole of the GTA. We know that in April 1991 the total volume of waste in Metro was down by 31%. Almost all of this fall was due to the decline in profitable ICI garbage. By September, the volume of ICI waste going to Metro's sites was down by 73% compared to the same month in the previous year. This is a very large decline and signifies an enormous loss of public revenue.

Why is this occurring? First, it is happening because the collection of industrial and commercial waste is entirely in the hands of private waste companies. Unlike Vancouver, Calgary and Burnaby, to cite relevant examples, there is no significant public ICI collection system in place. We supplied the documentation for Burnaby and Vancouver in your kit.

The absence of a public collection system precludes this alternative. The absence of a public collection system is now costing GTA taxpayers an enormous amount in forgone disposal fees alone. We have included the material in the kits. These reports show how a publicly owned and operated ICI collection system is perfectly feasible.

Second, a growing volume of ICI waste is going to private sites because there is no effective flow control legislation in force either provincially or at the local or regional municipal level. If governments had the power to direct waste to public sites, at least it would be possible to protect the financial interests of the taxpayers by ensuring they receive the disposal revenues. In the absence of flow con-

trol legislation, the private waste companies are free to transport waste to sites they own or to private sites owned by other private disposal interests. In both cases the taxpayers lose.

Third, it is happening because we believe the taxpayers of our communities do not fully understand the magnitude of the losses they are incurring as a result of the export of waste.

Local businesses are paying \$150 per tonne for the collection of regular garbage, a fee which is folded into the regular container collection charge they pay to private waste haulers who pick up their garbage. A conservative estimate would indicate that within the GTA there are somewhere between 2.2 and 2.5 million tonnes of ICI waste to which these charges apply. In other words, there is between \$330 million and \$375 million annually in disposal fees.

This is not the total paid by the customers; it is only the disposal component. There are no figures available to show how much money is collected from the thousands of businesses that operate within the GTA that have private waste collection. A reasonable estimate would put it somewhere between \$0.5 billion and \$0.75 billion annually.

Recent estimates of financial losses to taxpayers in the GTA have been based in part on the actual fall in disposal revenues between 1990 and 1991. However, the loss in disposal revenues is actually greater, because tipping fees rose from \$97.50 to \$150 per tonne last year.

If we project Metro's experience of a 73% decline across the GTA and take into account the increase in disposal fees which occurred in 1991, the forgone revenues to taxpayers could be between \$240 million and \$274 million this year. A small portion of this could be discounted, because some ICI waste from Halton and Peel has been going to sites outside the GTA. However, Metro's landfills themselves were receiving about 2.1 million tonnes of ICI waste during the years 1989 and 1990, so the numbers are only marginally greater than Metro's own figures. To put this another way, taxpayers could lose considerably more than \$1 billion by the time the new GTA sites are on stream in 1997.

Even if we assume this estimate is high, due to the success of waste reduction initiatives and the impact of the recession, we are still looking at a very large amount of money which the taxpayers should be receiving. This money, which will be lost to the taxpayers if action is not taken immediately, would more than pay for all the public infrastructures that we are asking to be put in place.

In summary, what we are currently seeing is a financial bonanza for a handful of major private waste companies—a bonanza paid for by the tens of thousands of businesses that use container collection services and a bonanza which is occurring at the expense of taxpayers in the GTA.

At a time when both the provincial and municipal governments within the GTA are reeling from the recession and are squeezed financially, it is self-evident that action is urgently required to stop the massive haemorrhaging of money from the GTA resulting from the export of waste. The bill must be amended to stop this practice and to implement a policy which the minister has articulated,

namely that communities will be responsible for their waste, including ICI waste, and that waste will not be exported outside the GTA.

Disposal gap remedies: The minister must also make it clear that if there is a need to find a place for GTA garbage in the event of a disposal gap, the garbage will go to a public site so that taxpayers will receive the revenues. There has been a hectic scramble by private waste conglomerates to try to obtain new landfills outside the GTA which might be suitable for GTA waste. Waste Management Inc has been looking at Nottawasaga township; Philip Environmental bought several sites, including one in Petrolia; a private firm is trying to get approval for a site in Acton. Laidlaw, which already has a number of sites, was caught just over a year ago shipping garbage from Toronto to its site near Ottawa.

It would be extremely constructive if the minister would amend the legislation to make it very clear that there will be no private sector windfall profits arising from any temporary need to export waste outside the GTA until new public sites are in operation.

Mr Calvert: I am just going to move on to the final part of the bill, part IV. The final part of the proposed legislation deals with a series of amendments to the Environmental Protection Act. This set of amendments is designed to expand the authority of the minister to control various aspects of waste management and recycling and waste reduction. We strongly support all these measures which would enhance the authority of the minister to control and regulate waste management activities within the province. We think this is long overdue.

We are going to comment just on a few of the specific aspects of the proposed amendments in the bill. One deals with waste export and we strongly support the change which is proposed to enable the minister to take into account the environment outside Ontario. Hopefully, this amendment will prove effective in preventing the export of garbage to the United States. Assuming this is so, we ask the minister to move on this issue as soon as the legislation is enacted.

Second, there is a section dealing with expanding the definition of waste to include used materials, and we think that is a very important amendment, again to gain more control over the entire waste stream. We think the section dealing with providing the minister with a right to give grants and loans for particular environmental activities makes a lot of sense and we endorse it.

We have some questions about the permit-by-rule arrangements which are being put into place. We are concerned that the application of this approach will facilitate the proliferation of private recycling centres which, because they are normally given permission to dispose of a certain amount of residual waste, are able to operate more like a private transfer station for regular garbage.

As we noted earlier, we believe there should be a major public program initiated to collect and market recycled materials. The thrust of this amendment will be to further entrench private control over the waste stream because the major private waste companies are the key firms that stand to take advantage of the streamlined processes entailed in

this change. While this may not be the intention of the government, it is a matter which does concern us and we think the bill should be redrafted to take this concern into account.

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Now I am going to turn to the whole question of landfill ownership and disposal fees which we touched upon a little bit earlier. We believe that one of the major limitations in the current form of the bill is that it does not include provisions to address the serious problem associated with landfill policy, particularly outside the GTA.

About \$650 million is collected in disposal fees from the tens of thousands of businesses across the province that pay for containerized collection of their garbage. Within the GTA alone, this figure is estimated to be between \$330 million and \$375 million. That is just the disposal fee. The basic public policy question is very simple, then: Who is going to get the money from disposal revenues? Will it be the taxpayers or will it be the large private waste firms?

The \$650 million is more than the total expenditure of the county and municipal governments, as well as the province's, on waste management and reduction activities. It is enough to pay for the future environmental programs we need across the province, but only if it is secured by the taxpayers.

The first sections of Bill 143 ensure that the three new landfills within the GTA will be public. As a result, the public will be in a position to secure future disposal revenues in the GTA, which will amount down the road to billions of dollars. This money will not be given away to private waste companies. However, outside the GTA there is a very serious problem associated with the ability of private waste haulers to transport waste to various privately owned sites around the province as well as sites in the United States. While there are limitations on the catchment area for which many sites have approval, the reality is that there is a very large amount of waste hauling from one town or city to another.

The fact that private waste firms are permitted to do this, when combined with their stranglehold on virtually all the industrial, commercial and institutional waste picked up within the province, means that individual counties and municipalities have no effective means for planning their waste stream or tapping into the very substantial disposal revenues generated from ICI collection within their boundaries.

The practical result of this situation is that the overwhelming volume of ICI garbage outside the GTA is going to private sites. This represents an enormous loss of potential revenues to the taxpayers of the province. It also represents the loss of an enormous opportunity to use the billions of dollars which will be collected over the coming decade to fund our environmental programs.

We believe there is simply too much money at stake to allow this to continue, especially in the context of conscious public policies designed to use high disposal fees as a deterrent to needless waste generation. Every time the average per tonne disposal fee has increased by \$10 a tonne for the 6 million tonnes of ICI waste for which

disposal fees are charged, the owners of landfills, whether public or private, get another \$60 million dollars in revenue.

As tipping fees outside the GTA gradually increase in line with the 700 per cent increase which has occurred within the GTA over the past five years, the private landfill operators will reap very large windfall profits. This explains the scramble for new private sites across the province. It also underlines why it is absolutely essential that this bill provide new powers to control the flow of waste around the province.

It is our view that the flow control of powers must be provincial in scope. Under clearly stipulated conditions the province may choose to delegate the exercise of these powers to regional or municipal governments. However, provincial control will be necessary because the transportation of waste is a provincial issue and because it is not an issue which the smaller counties and municipalities can be expected to deal with on their own.

Indeed, there has been a very worrisome development in which private waste companies have approached small, fiscally strapped counties and townships and offered them substantial revenues if they sell their public site and allow it to accept provincial ICI waste. For a small municipality, the offer of \$10 million or \$20 million from a private company may seem like a godsend, but from a broader provincial standpoint, the policy is insupportable. This is because revenues are being collected in other jurisdictions where the waste is generated, yet the local governments in those jurisdictions, which are responsible for waste reduction and waste planning, currently have no access to this money and must go to the province or to their own tax base for waste reduction and recycling funding.

What the absence of flow control does is allow the private waste firms to promote a kind of beggar-my-neighbour approach among municipal governments. Moreover, from a provincial standpoint, as we noted earlier, it involves an enormous loss of revenue to the public sector. This underlines the need for provincial control, at least outside the GTA. We urge the government to move quickly to put new flow control powers into the bill.

Landfill approvals: The province, in our view, should immediately cease giving approvals for new private landfill sites or approvals for extensions to private landfill sites. To paraphrase Michael De Groote, former owner of Laidlaw, a landfill is like an oil well in reverse: The more garbage you put in, the more money you get out.

There is no longer a place for new private landfill ownership in the province. Disposal revenues are based on public policy decisions which have deliberately created a shortage of landfill capacity for sound environmental reasons. Disposal fees are now only a small fraction of the cost of purchasing and operating a landfill. We did an analysis of the Keele Valley site a couple of years ago and I have included in the orange-coloured document which I referred to earlier a little pie chart on page 4 which shows the extent of the profitability of a landfill. I think the fact that the vast majority of the revenue now going to disposal fees is actually profit for the landfill operators underlines the fact that this is an area that really urgently needs attention.

If we are going to use pricing mechanisms to encourage waste reduction, then we must also ensure that the resulting disposal fees are used to invest in new environmental programs and not simply given over to the shareholders of private waste firms. The lessons of Keele Valley of 1982 and the fight about the Maple Pits must be recognized. Taxpayers of Ontario have too much at stake financially simply to give away hundreds of millions of dollars annually in disposal revenues for no good reason.

However, a ban on approvals for new private landfills will not resolve one of the major problems currently facing a number of municipal governments. A number of municipal governments currently do not have public landfill sites even for their own residential garbage. They are therefore forced to pay private waste firms for residential disposal. We think this is a problem which also needs to be addressed urgently through providing these local governments with more effective assistance in their search for landfill sites.

Mr Stokes: In conclusion, we would like to thank the committee for giving us an opportunity to appear before you today. We know you are facing some tough decisions in the coming weeks. We hope the information and the opinions we have given you today will help you in your efforts and I urge you very strongly to read the documentation we have provided for you today. We would be pleased to elaborate further on any of the points we have made in the future. Thank you for your time.

The Chair: Thank you very much for your presentation. The researcher would like to know which section of the bill you were referring to when on page 31 of your brief you referred to "permit by rule." You do not have to answer that now. The first questioner is Mr Cousens.

Mr Cousens: Thank you for your presentation. I would like to know the reason behind your opposition to exporting waste outside Ontario.

Mr Calvert: We think this is costing the taxpayers far too much money. For every tonne of garbage that is exported we are looking at minimally \$150 a tonne in the GTA. When we start talking about thousands and thousands of tonnes, you are looking at millions and millions of dollars leaving the province, money we think should come back into the province to invest in a new waste reduction and recycling program. We think it is a serious public policy error to hand over what may be hundreds of millions of dollars down the road if we do not stop the export. This is money that should stay in the province and should be used for environmentally responsible programs.

Mr O'Keefe: Also, if I might add to that, Metro Toronto is in a serious fiscal crisis right now. If the estimates we have been given are true, we are told that in the month of September there was a 70% drop in the amount of waste going to the Metro landfill sites. That represents a loss of approximately \$250 million. That is a phenomenal amount of money.

Mr Cousens: I wanted to hear if it was an economic argument, because we are so short of time. What is left?

The Chair: We are short of time.

Mr Cousens: I will not ask any more, because we are so tight.

Mr Stokes: If I could respond, it goes far beyond the economics as well. If a community is allowed to generate waste and not be responsible for putting that waste somewhere, there is no incentive to reduce the amount of waste that is generated.

Mrs Mathysen: Thank you for your extensive brief and for providing us with the benefits of your research. As you know, one of the initiatives of the government is economic renewal. Can you elaborate on how you think waste reduction programs can assist in the kind of job creation we will need for that economic renewal?

Mr O'Keefe: If I might address that, there is terrific potential here to start a whole new industry for the processing of waste products. I think this is an area where Metro Toronto could show some real leadership, more particularly in the GTA. We feel there is real potential there that is being neglected, but for this to happen it would have to have public sector leadership. It is not going to happen unless the public sector is there to provide the leadership.

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Mrs Mathysen: Does part IV of the Waste Management Act help to create those jobs, those employment opportunities?

Mr O'Keefe: The mandate of the authority would have to be considerably extended. An infrastructure would have to be put in place in the GTA to cover the whole range of different areas that need to be looked at. Marketing is one important area. There is a model down in New Hampshire where they very effectively market waste products. Economies of scale are really important here, so having a GTA-wide marketing corporation would be extremely useful.

Mr Calvert: I think we have here a really important opportunity to put together what I would describe as a win-win-win approach. We think it is win for the environment because there are important programs that need to be put in place, particularly in the industrial and commercial sector. It is win for the taxpayers because if you handle it properly using both disposal revenues and the revenues from the sale of profitable used materials—and there are some profitable used materials out there—a program would not cost the taxpayers a penny and in fact down the road the taxpayers should be gaining money from this program. It is win for the taxpayers, win for the environment and win for jobs.

We need desperately in Metro and the GTA thousands of new jobs. What better form of job creation than to put in place a new and very ambitious and effective environmental program that will create jobs. Many of the areas which need to be addressed are areas such as auditing for businesses. That is an important service to be provided out there and it would provide hundreds, perhaps 400 or 500 jobs. I do not know the exact number, but there would be a very large number of jobs for people to provide practical assistance to those tens of thousands of businesses across the GTA which need assistance, which want to do the right thing and which care about the environment but are not

sure quite what they should do. They need a proper public program to help them out. There are jobs there.

Mr McClelland: I am interested in knowing how it is that it is costing money to run, being subsidized by the tax base, as you say, but we are losing money. I do not quite understand that. I would be interested in knowing about that. In fairness I just think you should know that nobody was caught shipping garbage anywhere; it was done with an order and approval by the ministry.

This terrible word "profit" appears about 16 or 17 times throughout your brief: It is an awful thing that companies actually make a profit and pay taxes. I want to know how it is that if we are losing money, on page 36, in the operation of it—disposal fees are a small fraction of the cost of purchasing and operating a landfill. On the other hand you are saying that you need the ICI to make money. One of the reasons they are sending it to the States is because they are in fact recycling and making product in the US; they are doing that down there and that is why in fact they are demanding. That is part of it. How do you reconcile that? How do you reconcile on one hand we are losing money, but we are going to make money on the other? It just does not seem to mix. I just do not understand it.

Mr Calvert: As I said before, every tonne of garbage that leaves the GTA or leaves Metro is a tonne for which businesses within the GTA are charged. That money just leaves the country. It does not create any jobs here. There is no economic development; there is no environmental development. There is an enormous cost to this part of the province with the export of waste. If the garbage were disposed of in public sites within the GTA, the taxpayers would get \$150 for every tonne that is deposited in those sites. That would be, in terms of the estimates we put out there, \$230 million or \$240 million minimally of extra revenue for the taxpayers, revenue that is now going to private waste centres, many of which are taking this money out of the country. I think it is very clear.

The Chair: Thank you very much for your presentation. We appreciate your appearing before the committee today. If over the course of our hearings there is additional information you think would be helpful, we would appreciate you communicating with us in writing.

I have a request from Mr Wiseman with a question for the record.

Mr Wiseman: No, I will have a point of order after the hearing is finished.

The Chair: Question for the record, Mr McClelland.

Mr McClelland: I have a question. I guess it flows in part from this public-private issue. Just out of interest I would like to know, given an evaluation of this, in terms of number of ministry staff and political staff, and that would include the minister and both parliamentary assistants, how many more staff have been added to direct political ministry staff since October 1990; the increase in budget and the increase in raw numbers of political ministry staff, both parliamentary assistants and the minister.

The Chair: Thank you for your presentation. As I said, if there is additional information that you have for the

committee, please feel free to communicate with us in writing.

We have some time, because our next delegation and witnesses have cancelled. If there are any questions, now would be an opportunity for committee members to ask those questions of the parliamentary assistant.

Mr Wiseman: My question has to do with rescheduling the Recycling Council of Ontario. Since that was one of our chosen selections for an hour, I would like to see if we can reschedule that—recycle them.

The Chair: I will ask the clerk if there is any time slot available. If there is, I am sure she would be happy to reschedule.

Clerk of the Committee: The difficulty with the one-hour appointment is that I do not have one-hour time slots available. Later on, I have 20 minutes here and 20 minutes there, where people have cancelled. Do you have a suggestion for me?

Mr Wiseman: I would suggest we try to find a time slot between five and six on one of the days to hear from this group, because one of the things that we are being presented with, one of the decisions we have to make, has to do with the fact that there is some question about the market available for recycled material. I would like to have the opportunity to hear what they have to say about that.

Clerk of the Committee: I will offer them a time slot then between five and six at their convenience and see what we can do.

The Chair: It might be possible to find a 20-minute time slot that you can then add 20 minutes to if there is something at the end or that—

Clerk of the Committee: If there is something that cancels at 4:40 or something like that.

The Chair: We will leave it with the clerk.

Mr Wiseman: Whatever accommodation is possible would be acceptable to us.

The Chair: We will attempt to do that, Mr Wiseman.

Mrs Fawcett: I have a question for the ministry people. When leachate is filtered through the sewage plants, is the effluent discharging into the lakes, etc, free of the toxic substances that are injurious to the water systems? Information given to me would suggest that many sewage plants are maybe not equipped to filter out all of the substances. I am just wondering about that.

Mr O'Connor: To properly answer the question, I think Alex Giffen may have some material on that. I do not know whether he can answer that directly now or perhaps prepare something for the committee later on in time.

Mrs Fawcett: That is fine.

The Chair: We have time. Normally we would have been here till five o'clock. If there are any questions, ministry officials can take the position here and answer questions for members now or can choose to provide the information in writing, whichever they prefer.

Mr Giffen: I would prefer to answer in writing.

Mr O'Connor: Perhaps we would get a fuller answer if it was prepared in writing. It seems that our official here

from the ministry agrees with that. It might be a little more fully answered and give all your concerns full merit.

Mr McClelland: I have just checked with my Conservative colleague and we are happy to try to accommodate in any way, for the record, but it seems there is a resolution, so I guess that is moot at this point.

The Chair: Thank you. We are pleased to hear that.

Mr McClelland: There are a couple of questions I wanted to put, one following from the presentation today. I wonder if the parliamentary assistant would know what analysis has been done of the cost impact and relative efficiencies of the private sector's involvement in industrial, commercial and institutional waste and a publicly run system for ICI waste. Do you have that information available at the present time, Mr O'Connor?

Mr O'Connor: If I could refer that to our assistant deputy here from central region.

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Mr Merritt: Jim Merritt, central region. We have not gone into detailed economic analysis on that point. It was not the intention that Bill 143 would remove the private sector from waste management. On that basis, we did not endeavour to look at what costs or losses would be affected. We have seen that they would be continuing under this bill.

Mr McClelland: Mr Merritt, has there been any analysis done previously? I do not recall from a number of years ago, but I am just wondering if there has been any recent update in a more general sense, not necessarily specifically tied to Bill 143—anything that you are aware of with the ministry that would have done a brief cost-benefit analysis or at least a preliminary look at that?

Mr Merritt: I could not say there would be detailed cost benefit, but I will undertake to look at what economic work had gone on. As you know, we do have a group of economists who support us and we will take a look and see what they have available.

Mr McClelland: That would be very much appreciated.

Mr O'Connor, again to pursue a point we picked up a little bit earlier, I just want to make it very clear for the record that we heard from the Interim Waste Authority that it does not have any particular lists. Do you have any lists, as parliamentary assistant for the greater Toronto area? Are you aware of any that you would have in your possession?

Mr O'Connor: I appreciate the question. It seems that is something you and some of our colleagues have brought up on several occasions. Clearly there is no list. It has been suggested many times that there is a list, but there is no list. Really the whole purpose of this hearing process that we are going through right now is to deal with Bill 143, and the Interim Waste Authority does not have a list. I suppose what we have here is some disagreement on whether or not there is a list, but there is none.

Mr McClelland: Are you aware of whether you as parliamentary assistant or the minister have seen—if you want to use the word—a preliminary list, a run-down or a summary of the initial analysis that was done by IWA with respect to locating those sites?

Mr O'Connor: No. That material is not available. There is none to be made available. I think you are still looking for something that does not exist at this point in time. If you want to take a look perhaps at some of the criteria that IWA—I believe that is even in our briefing book.

Mr McClelland: Yes, it is.

Mr O'Connor: If you want to take a look at that, you may be able to suggest some possible sites. I do not know, but there are no sites right now. What we are dealing with are the principles espoused in Bill 143, which is taking a look at waste management within the greater Toronto area.

Mr O'Connor: As somebody who is here as the spokesperson for the ministry in the political realm, do you have any explanation of why it is that counsel for the region of York, Mr Blue, has put on the record an indication that there was a list that was to be forthcoming?

Mr O'Connor: I suppose he must be following the same suggestions that you believe, that there could be a list. Perhaps he feels the same way. Perhaps we should address that to the Interim Waste Authority chair while she is here; it is something that has been brought up and perhaps she can answer it more fully than I can. Could I ask Jan to please answer that?

Ms Rush: I cannot comment on what someone said to someone else. I can tell you that, as I mentioned before, as we were working towards the completion of the second phase of the process that is indicated in the draft approach and criteria document, we were hoping to time that coincidentally with the legislative mandate.

What was happening through late November, when I believe those contacts were being made, and through December, as you know, was a rather uncertain future of the bill: whether the bill would come to this committee or whether the bill was going to go through in parts. During that time we in the authority had a decision to make about whether to complete the work and indeed lock up a list, or to cease work. We ceased work. We thought at one point that we might have a legislative mandate. We did not recommence work. We waited to see if that came about. I only skimmed that letter, but I assume the ready-to-go was that had we had a legislative mandate some time in late November and early December, we still could have gone forward. Without that mandate, and as the debates took place in the House and the decision was made to bring the bill here, we did not recommence work. So it was a very clear decision.

I should say—I mentioned this before—that one of the reasons we needed the legislative mandate was to make sure that all the work we had done to date was on the appropriate basis, which is part II of the bill.

The other part that is extremely important is that if you look at the timetable we put out last summer in the DAC, the draft approach and criteria document, we are looking for an extremely rapid process from the release of the long list to the short list to the preferred site. It is only nine months of time. In order to do that, which we think is not only efficient but humane to all the people who will be involved, whose land will be involved or whose communities will be involved, we needed to have the power of entry

so we could complete negotiations and discussions with any property owners, so as soon as that list was released we could proceed that rapidly to a preferred site, so all the time would be spent on technical matters and public consultation and communications and not on the issues of property access. I think that is another key part to what we were trying to do.

The other thing I am trying to put forward is that the process is not looking at lists of property and selecting. The process is one of the criteria, of evaluating those criteria, having public consultation on the criteria and then, after that, applying those criteria to properties to find the list. What has been going on is that evaluation of the criteria from the public consultations that took place in August and September. At one point we had wondered if we could continue that process, which would allow us to catch up some time, because we knew we could not meet the November date for the long list. In terms of what people may have said to other people, at some times we were ready to go in three or four weeks or five weeks and at other times we were not. We were following the progress of the bill in the House and I hope we have taken a responsible position.

Mr McClelland: I appreciate that explanation. Just for my clarification, I take it that you are suggesting that in all the work that was done to date, prior to your decision to "suspend work on the list," as I quote from a letter from IWA, there was no application of any of the criteria to any particular sites in and around the greater Toronto area.

Ms Rush: No, I cannot comment on that. That is part of the work that was to be done. That is part of the work that is in progress. It is simply not complete.

Mr McClelland: So there is at least the basis of information for what one could call a partial list.

Ms Rush: Most of it, yes; not all of it.

Mr McClelland: I am right, then, in suggesting that most of the work has been done to narrow down most of the sites for at least most of the list? A substantial part of that has been done?

Ms Rush: Not sites, but we have got a lot of analysis of a lot of the parcels of land that may indeed turn out to be a list, but that last phase was not done.

Mr McClelland: Okay, so parcels of land or sites. You do not like the word "sites," so I will use "parcels of land."

Ms Rush: It is all the difference in the world, in this business.

Mr McClelland: So parcels of land, to which criteria have been applied, at least on a preliminary basis. If not a formal list, there is at least documentation that refers to parcels of land to which Interim Waste Authority criteria have been applied.

Mr O'Connor: Could I try to help this process along a little bit? It seems you are trying to turn things around just enough to suggest that—

Mr McClelland: Excuse me, Madam Chair, I was pursuing a line of questioning, I think reasonably, in trying to get some clarification.

The Chair: I think, Mr McClelland, that the parliamentary assistant at least should be able to make his statement, and then you can continue.

Mr McClelland: It is just that I do not want to lose that point with Ms Rush.

Mr O'Connor: I think what has been explained to us quite ably is how they have got to the criteria, and that is what they are working on right now, going through the public process and looking at the criteria. As far as land acquisitions, sites and everything else you seem to be looking for are concerned, it has not happened. They are working on site selection criteria. Perhaps if you would just listen to the way she is explaining it, and maybe take a look at some of the documentation you have before you in your binder, you will get a little better grasp of it.

The Chair: Thanks for your explanation, Mr O'Connor.

Mr McClelland: Mr O'Connor, maybe I will get a little better grasp of it, and forgive me for not being as sharp as you to pick up on it. But I have some difficulty, Mr O'Connor, because, not being as astute as you, I cannot understand, quite frankly, the important distinction between "parcels of land" and "sites" as far as the public is concerned. I can understand in terms of technical jargon and operating within a legislative framework where that may be significant, but certainly from the public's point of view, which is ultimately my responsibility as critic and as representing the people in my community, a parcel of land is a site is a parcel of land as far as the public is concerned. Whether the list is not complete, I think at least a partial list is, so I am having difficulty with that.

Mr O'Connor: You are right. The parcel of land we are talking about is the GTA.

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The Chair: Mr O'Connor, Mr McClelland has the floor and is entitled to conclude his remarks.

Mr McClelland: All I am saying, Mr O'Connor, is that you may find it difficult to understand why I do not understand the distinction. For that I apologize. I am just a simple guy who is trying to understand what is happening here: Why it is that all this work has been done and all this work has been applied to parcels of land that have been at least narrowed down and given some consideration or very well may end up being sites, but a list of that is not, as you said, a list available for the people who will be affected. I am having some difficulty making that distinction.

Let me put it another way so maybe I can help you understand me, since I am not doing a very good job of it, apparently, for you. If I happened to be a land owner of a particular area or a citizen of an area and I was told, "Don't worry, there's not a site, it is just a parcel of land that is being considered and it is not on any formal list yet," that would not give me a great deal of assurance. As I said, I am just a simple guy trying to understand why I should take some assurance out of that. I mean, it is a parcel of land right now and it is not a site. I find it very difficult to understand that distinction.

I also find it difficult to understand why, if there is a letter from IWA that says, "We've suspended work on a long list," how could it be that you could suspend work on a list that does not exist? I find that really difficult to understand. Maybe you can help me with that.

Mr O'Connor: Perhaps we can get some of the information on the criteria then.

Mr McClelland: I have seen the information on the criteria and you have been very good in providing me with the criteria, but my difficulty is understanding this distinction between parcels of land, and partial lists and long lists of parcels of lands, but they are not lists of sites where we might go. I am also having difficulty understanding why it would have been ready on December 19, had the legislation passed, or even as early as November, but because there was some political controversy about it, suddenly the list work was suspended. I just have difficulty understanding it.

Mr O'Connor: We have the chair here for the Interim Waste Authority, and she has explained it quite well, but perhaps she will take another stab at it.

Ms Rush: The process of applying the criteria is not one of applying all the criteria to a parcel of land or area of the GTA and then moving on. It is a simultaneous process of looking, depending on the nature of the criteria, and it is a funnelling process. So everything is available until you start screening out, screening out and screening out until you get to the full application of the criteria that are in the document we have been holding public consultations about to get you to the point of a long list. It is not something where there is sort of a mark and you tick yes, no, yes, no, moving across a map. It is a funnelling process and a screening process.

So there is not a partial list of parcels of land. That is not the way the process works. If you look at the criteria, some of them are more obvious than others about the urban structures and urban shadows.

I do not know what more I can add for you, other than to say that we had not finished that process, that we stopped because we did not have a legislative mandate and that we have I think around five to seven weeks worth of work once we recommence, and we cannot recommence until we have the legislation, because we need the permission and instruction of the House to know what we are doing at this point in terms of the undertakings. To go public with a list which is based on the undertakings as defined in part II when the House is not finished its consideration of that presents some difficulty.

I have presented as well that I think on a humanitarian basis and on a good management basis it would have been difficult for us to have completed that exercise and, first of all, not have been able to go out with a second round of consultation, and not having the power to enter, we would have had an extremely long period of time to move from the long list to the short list to the preferred site, and I do not think that is in anyone's interest, particularly the property owners, whom we are all concerned about.

Mr Wiseman: On a point of order, Madam Chair: This is a very fascinating discussion. I would like you to

rule on whether it is relevant or not. The presence or absence of a list—a long list, short list, any list—is not contained in the legislation in Bill 143, and therefore it does not seem to me that this line of questioning is really pertinent to our task at hand, and that is to have deputations and hearings about the direction we should take about Bill 143. While this is all very nice for the member to debate with the staff, I do not think it gets us very far down the road to understanding this bill. Therefore, I think this line of questioning is out of order.

Mr Turnbull: I have a point of order as well, on the same point of order.

The Chair: I will consider the point of order, and on that point of order, first Mr Turnbull and then Mr McClelland.

Mr Turnbull: I have to say I think it is very relevant to our discussion of the bill, because I remember in very clear terms that the minister responsible was full of regrets that they would not have the list ready, but it was never suggested that it was because they did not have the administrative framework because this bill was not passed. We were very clearly told that it was going to be, presto, or ready almost immediately upon the bill being passed. I reject completely the suggestion by Mr Wiseman that this is not a relevant line of discussion.

Mr McClelland: Specifically on the point of order, it seems to me that part and parcel of Bill 143 is the mandate and the implementation of that mandate, should it ultimately be obtained through Bill 143, of IWA. Inasmuch as the implementation of that mandate will affect a great number of people in and around the Toronto area or, I think it fair to say, potentially affect a great number of people, those people, specifically those people who are, to use the words of IWA, currently in the funnel, I think it is entirely relevant to Bill 143, particularly parts I, II and III of 143. It has bearing on the issue at hand, which is the implementation of IWA's mandate. That is part and parcel of Bill 143.

Mr Wiseman: That is a very interesting leap of logic. Whether there is a list or not only becomes an issue after the bill is passed. If the bill is not passed, then there is no issue because the list is irrelevant.

But what I would suggest is that there is no reference in the legislation itself—and if there is, I would like to know what section they are referring to—that refers to lists being pertinent to the passage or the alterations and amendments of this bill. Therefore, I still suggest that perhaps the debate over lists and long lists and site selection and site locations would be better served after the bill in its amended form is passed through the House and then we can discuss it from that point of view. At this time it becomes a political red herring to discuss whether or not there are lists when I believe the discussion at hand is on the bill itself and the proposed amendments. If they can say where the lists are in terms of references in this bill, I would be very interested.

The Chair: Mr McClelland, did you want to make a further comment?

Mr McClelland: A brief response to that, Madam Chair, to help in your deliberation with respect to the appropriateness of the line of questioning. It just seems to me that to the people of Whitevale or site 6 in Brampton or the potential five sites in the Rouge Valley and the people across this province who are keenly interested in the integrity of the Rouge Valley from an environmental point of view—I find it passing strange that Mr Wiseman, someone who has been so actively involved, particularly with Whitevale, would consider that to be politically trivial. Certainly the people of Whitevale would be concerned to know whether their parcel of land was in the funnel. Whether that is a list or not I suppose is an interesting matter of semantics, but I see that it is entirely relevant—again I come back to it—because part of public participation, I would say to my friend opposite, is to know about the potential impact of legislation on your life and on your property. If that is a political red herring, then things have certainly changed considerably in the province over the past two years.

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Mr Wiseman: What you have just said is almost totally irrelevant. Whether or not there is a site selected in the north end of my riding and whether it is on this list is not at issue here. What is at issue is this bill and whether this bill will be amended, whether it will be passed as it is and what it will look like.

Further to that, to suggest that there are sites in the Rouge Valley, in the area designated as a provincial park, again betrays the fact that you have not read the Interim Waste Authority's draft document for the Metro-Peel site selection process or the York-Metro site selection process. In the document, it clearly states that there will be no sites selected within the designated area of the Rouge Valley Park.

Again, I would say, with reference to that, that these become important political issues, important issues, only after the bill is passed. They are not relevant to the discussion at hand in terms of us getting on with listening to deputations and evaluating the information and material at hand about Bill 143.

Mr Turnbull: I would suggest that the people of Durham West are probably quite interested in whether it is a parcel of land or a site. I think we would still be as interested in whether they are going to get a dump site in their backyard. It is somewhat disingenuous for the member for Durham West to be suggesting that this is a red herring. We are asking about a list that we were told was unfortunately not ready at the time the legislation was before the House, and it is not ready again now that the bill has been delayed—and not for the reason that has been suggested, that you needed a legislative framework to have this list brought forward. The list could be prepared without the legislative framework. That was quite apparent from the answers given by the minister in the fall.

The Chair: Thank you, Mr Turnbull. I have listened very carefully—

Mr McClelland: Not on the point of order; I just want to be on the list.

The Chair: I am prepared to rule on the point of order. I have discussed the matter with the clerk. I am aware that there were discussions in the House on this legislation where there was discussion of the criteria as well as the potential for a site selection, which is what this bill is about. Further, the issue has been raised by witnesses before this committee, and I am aware from my discussions with the clerk that during committee hearings greater latitude is often the parliamentary procedure in allowing discussion and debate on pieces of legislation and the impact they may have. I will therefore rule that questions both of the ministry and of witnesses, as well as discussion during the public hearing process on parcels of land or potential sites or the criteria for the selection, are in order.

You still have the floor, Mr McClelland. I will point out to you that Mr Turnbull is also on the list.

Mr McClelland: I just wanted to pursue that matter. Thank you, Ms Rush, for your response to the questions I placed to you about parcels of land being in a funnel which are not yet ready to be made into a list. What I wanted to ask, and I would like to pursue that one point further—Madam Chair, I will put you on notice, if I could, to pick that up for perhaps some information that the parliamentary assistant may add.

With respect, Ms Rush, to the Interim Waste Authority, you talk about its ability to proceed and the mandate that is apparently absent without Bill 143. You are constituted under the Business Corporations Act of the province of Ontario, is that correct?

Ms Rush: Yes.

Mr McClelland: You are able to proceed under what mandate? The purposes and objectives of the corporation as incorporated?

Ms Rush: Yes.

Mr McClelland: The purposes and objectives of the corporation were partly to carry out the wishes and the policy of the shareholder of the corporation, that shareholder being the Minister of the Environment?

Ms Rush: No, the objects—it will take me a moment, but I can find the objects.

Mr McClelland: “No” is fine. If I am wrong in that fact, the objects, then, do not by implication allow you to proceed with the task at hand pursuant to the policy of the minister. Am I correct in that?

Ms Rush: I am not sure of your terminology. I thought you were saying that the objects were saying we would execute the will of the shareholder, and the objects talk about the nature of the business that you are in.

Mr McClelland: Would IWA take direction from the shareholder in terms of fulfilling its mandate?

Ms Rush: The memorandum of understanding which you have asked for and which will be given to you will specify very clearly the role of the minister as the shareholder, of myself, the general manager and of the deputy minister. Those roles are available to you, and if they were not provided today, they are close to being provided to you.

Mr McClelland: Can you give me a handle on that? Is it a yes, maybe or in part? Does the policy and the direction of the minister, the shareholder, have bearing with respect to the management, the carrying out of the mandate of the IWA?

Ms Rush: Certainly not the management. That is with the board of directors and the general manager; that is the responsibility of those parties. But in terms of all rights, the same rights that any shareholder would have under the Business Corporations Act, the minister has those.

The Chair: We have approximately 10 minutes available for each of the caucuses for questions.

Mr Turnbull: My colleague Mr McClelland has very adequately covered it.

Mr Wiseman: Also through the parliamentary assistant to Jan Rush, I would like you to take some time at this time to describe the process that created the IWA, the process the IWA used to draft the criteria and the process of public involvement in this. How is this different from the process as it existed before?

Ms Rush: The IWA was, I think, officially incorporated in early May, but certainly we were working as a team before then. We began by a technical review. We asked for all materials and work that had been done previously in the area. We asked if that would be provided to us so that we would not waste taxpayers' money investigating things that had already been investigated.

We started assembling the team and hiring consultants to form a consulting team for each of the three site search areas. The bulk of the time, then, through the spring and early summer was spent preparing the criteria and the document that I have here that has been provided to all the committee members. It is a draft approach and criteria. There is one for each of the three site search areas. There is much in common with each of these documents and only a few particularities are different one from the other.

Why this is a remarkably different document is that, first of all, in this document it says: “This is the entire approach we will use throughout the process. This is how many times we intend to consult with the public; this is how we intend to proceed; these are the matters around which we will consult.” That, to my knowledge, has not been done before, where the entire process was laid out so people knew how to intervene, not just now, but would know how to intervene with us, anticipate and help us in this exercise through to its finality.

The second part is that the criteria were put forward first. They are in major categories. The criteria were developed by these consulting teams and were put out for public consultation. Instead of starting with a document that gave the criteria and the answer, which usually is a long list, this document went out first and said, “These are the criteria.” It then asked the public: “Are they adequate criteria? Are they too strict? Are they not strict enough? Are all the appropriate considerations here?” It also put out the criteria through to the next stage as well so they could start thinking about—this funnel continues until a preferred site. So the criteria get stricter and stricter; they get comparative

rather than exclusionary through this process, until the preferred site is arrived at by the authority.

We had over 40 workshops and open houses through that time, we invited people, and I think it was a very open and useful process. The first part of the homework after that consultation process was to review all the comments on the criteria, to take into consideration any changes or suggestions that we as the proponent thought were relevant and important, and to document those so that anyone who made a suggestion would know what happened to it. The latter part would then be to apply those now revised criteria to the beginning of the process of narrowing down from the entire region of the GTA through to what ultimately will become a long list of sites.

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Mr Wiseman: Could you also describe who is on the IWA in each of the municipalities, and how it was determined who would make up the IWA in each of the municipalities?

Ms Rush: We have a very small staff. We only have about 20 people, so the bulk of the work that is being done in each of the areas is being done through consulting projects. It is necessary for us to find the expertise that way, and it also reflects the interim nature of our agency.

In the Peel area, the lead consultant is Senes, which is a consulting engineering firm. In York-Metro, the lead engineering consultant is MacLaren, and in Durham, the lead engineering consultant was Dillon. We used a selection process for these consultants that we borrowed from the Ministry of the Environment. They were very familiar with how to go through that process, so we used their process of recruitment and analysis and selection to find those consultants. They as well have hired a number of sub-consultants in the areas of communications, public consultation, law firms. Each team makes a package and has a coordinator and a group, inside the 20 staff of the IWA, that work. These groups also meet regularly among themselves to make sure that if there are areas of interpretation, they are sharing their expertise.

Mr Wiseman: Could you also describe the process of consultation and how it was physically carried out in the various municipalities?

Ms Rush: There were a number of advertisements in the major newspapers, and also all of the local papers that we were aware of, announcing open houses and workshops where IWA staff and the consulting teams were available. Some of them were open houses with questions and answers. Other relevant players in waste management issues were also asked to attend so that if a question was asked that was outside of our mandate but was obviously important to the participants, someone would be there to answer it. My colleague from the waste reduction office very kindly sent some of his people to them. It became a broad conversation, but we certainly narrowed on to what our particular business was.

The workshops were a bit more detailed. In some of the workshops there were discussion groups formed and people got to participate at the actual event, in terms of helping with the criteria, and started posing some of the questions we would be addressing further down the line.

Mr Wiseman: I have one last question, through the parliamentary assistant, of course. What role is the waste reduction office playing in the IWA, and how is that working itself through this process as well?

Mr Blackwell: To date, our role has been very much one that has been quite limited to the functions described in Bill 143 of preparing to provide an estimate of the waste diversion that will take place, to the best of our ability to estimate it, over the period of time for which the disposal facilities are being sought. That is the formal relationship and that is the primary relationship.

Beyond that, as Ms Rush mentioned, we have done our best to be available whenever public meetings are held, to provide information about waste reduction activities being undertaken either by local municipalities, regional municipalities or the province, activities that are under way within the GTA and in which interested participants play a role. As you may be aware, there are many people who come to meetings around landfill site searches who in fact attend primarily to find a vehicle through which they can try to influence government to become more active in the waste reduction area. We are quite interested in being available to such people and in taking their concerns and their advice about how we can do a better job in our area of mandate.

Mr Turnbull: How many parcels of land are in the funnel at the moment?

Ms Rush: I have no idea.

Mr Turnbull: Hundreds? Dozens? An approximation, please.

Ms Rush: That was an expression to try to explain to you the process of applying criteria over a vast geographic area, which are the four regions in the GTA that we are looking at divided into three site search areas. I cannot tell you any of that.

Mr Turnbull: You must have some approximate idea.

Ms Rush: No, I cannot. I simply am unable to do that.

Mr Turnbull: I find it absolutely inconceivable that after the length of time the authority has been working away at this—we know it was put on hold, according to you, but there is a wealth of material and we were told we could have it by December 19 if the legislation were passed. Yet you are telling me you do not have any idea as to how many.

Ms Rush: I am telling you I do not have any idea. I have not attended any of the technical meetings where the discussions have taken place. Again, this is not something that happens in a sequence, as I think you are perhaps presuming. I simply do not have that information. It is not my role as the chair to participate in that until the technical people have completed their work. At that point, it would be put together. It would be reviewed by them in concert, which has not taken place, and would be brought forward to the board. That has simply not happened.

Mr Turnbull: Is there anybody in this room who can answer how many parcels of land went into the funnel?

Ms Rush: No.

Mr Wiseman: I could take a little bit of a shot at it.

The Chair: You do not have the floor. Mr Turnbull has Mr Turnbull, have you completed your questioning?

Mr Turnbull: Yes, thank you.

Mrs Mathysen: I understand the recommendations of the report on environmental assessment improvement have shaped the process for the IWA landfill sites. Can you describe how this has improved the public consultation process?

Ms Rush: Yes. A number of recommendations that came out of the original environmental assessment program involvement project document, which I believe was in December 1990, talked about the administration. In fact, the process we have used came out of that material in terms of going forth first with the public with the process you intended to use, and first with the criteria you intended to use, and also some other ways of trying to streamline the operation. But I think the key thing was to go and tell people what you intended to do and how you intended to do it before you did it, and second to allow input to the criteria before any application of those criteria to the area actually took place. Those are the major features that we used from the thinking that went into the original EAPIP document.

Mr McClelland: I want to ask the parliamentary assistant if he might make some comments that relate to the last brief we heard from CUPE. It might help, Mr O'Connor, if you had it present. I will try to move through this relatively quickly. It was stated in the brief, on page 24, that private waste management companies were taking ICI waste to sites in Pennsylvania, New York, Michigan and other United States destinations. Are you as parliamentary assistant aware of the types of sites that waste is going to?

Mr O'Connor: That is something I am not aware of right now.

Mr McClelland: Would you be prepared to ask somebody in the ministry to perhaps give you some information that may or may not indicate that the majority of those sites are in fact doing things like recycling and reusing the product, and to try to determine, to the extent possible, how many of those sites are in fact taking waste, using it as a resource and turning it into reusable product? I would be interested in knowing if you could pursue that.

The other thing I wanted to pursue with you, Mr O'Connor, is with respect to this brief. Throughout the brief, on numerous occasions—I began to count them up—it says things like the private sector should not have profit, that they are making exorbitant profits, that there is a profit motive here that is running counter to the 3R program and policies, that the private sector is spending money on infrastructure so they can get profit, they are having windfall revenues. What is your government's view of that? I do not want to offend you in any way, in terms of the private sector actually doing something as terrible as making a profit, a return on their investment in infrastructure in Ontario. Does your ministry have a policy with respect to private sector organizations making a profit?

1650

Mr O'Connor: I appreciate that you have concerns about the private sector today. In today's economy we all have to be somewhat concerned about the private sector, and the minister stated in her opening remarks that it was not the intention of the legislation at all to discount the private sector from it. But if you are really concerned about what CUPE actually meant, perhaps you should write them a letter. We did have an opportunity to hear from them, although our time was quite limited. If you did not have enough time for them to answer the question, then perhaps you should put it in writing.

Mr McClelland: Mr O'Connor, I will do that. In fact, I look forward to talking with CUPE in the future about this.

My question to you, sir, was what your position is as parliamentary assistant representing your minister, what your minister's position is, your government's position; not CUPE's, but your position in terms of companies making profit in Ontario. Is that such a terrible thing? Is that a bad thing?

Mr O'Connor: Who would suggest such a thing?

Mr McClelland: I take it your answer is, "No, that is not a bad thing." Madam Chair, I would appreciate a clear answer about that.

Mr O'Connor: Of course in today's economy we would like to see everybody in the private sector being profitable. I am sure you would agree with that.

The Chair: Thank you very much, Mr McClelland. Ms Haeck.

Ms Haeck: I have a question for the parliamentary assistant which he may wish to refer.

I know that public consultation occurred over the past summer on the criteria sought for the IWA, and there was obviously a lot of public comment. How has that public comment been used to improve and fine-tune the criteria?

Mr O'Connor: Ms Rush, perhaps you would respond to that, seeing how you have been a little more closely involved in the IWA process.

Ms Rush: I am afraid I cannot give you any specifics because that is all wrapped up in the work that will be released as the second phase of the process, as we indicated early on. So I am sorry, I cannot give you any specifics other than I know that all the comments were recorded and analysed by the team and they will be coming forward with their recommendations as to which ones are good additions to the criteria, or deletions, and which ones they cannot accommodate and why. I am sorry I do not have any of that detail.

Ms Haeck: There has been a sense given from members of the opposition that in fact this is all sort of happening in a vacuum. I would be curious to understand if, in the kind of consultation that took place last summer, the communities with which you did consult responded in a wholehearted manner.

Ms Rush: As I said, we held over 40 open houses and workshops and I think over 15,000 documents were distributed, either through that process or through another process.

Ms Haeck: Fifteen thousand?

Ms Rush: Fifteen thousand documents have been distributed. In terms of direct input, I know we had a lot from the organized groups, and mainly in the workshops we got the community at large involved.

Ms Haeck: Again in the comments that have been made, particularly from members like Mr McClelland, there has been a sense given that the municipalities may not have been included in these consultations and have not really had a chance to respond. With having distributed 15,000 documents and with 40 consultations having taken place, have the municipalities themselves, officials within those municipalities, responded to those consultations?

Ms Rush: It varies. They certainly all are well aware of what we are doing and were made aware of the documents, and I could provide you with a list of who attended, but I know that—

Ms Haeck: I would personally appreciate that, in light of some of the comments that have been made, particularly during last Thursday's hearings where various municipal officials indicated they had no idea of what was happening here. I really feel that would be important for all of us to see.

Ms Rush: Certainly I will provide that to you.

Ms Haeck: Thank you very much.

The Chair: Thank you, Ms Haeck, for the question. Mr McClelland.

Mr McClelland: Further to Ms Haeck's question, I would be interested in having from the parliamentary assistant a list of all correspondence and/or memoranda sent to any municipality, any organization, AMO or any branch of AMO with respect to the pre-Bill 143 consultation process, with specific reference to the drafting of the bill.

I have a question to Mr O'Connor. Again, I will bring you back to the CUPE brief, page 18. Item 1 says that 3Rs initiatives are "severely impeded by the profit-driven activities." Does your government believe that profit-driven activities do in fact impede the 3Rs waste reduction initiatives?

Mr O'Connor: To properly weigh this, perhaps we should have someone from the office of waste reduction address this.

Mr McClelland: No, not the office of waste reduction. Does your government philosophically or as a point of departure believe that profit-driven activities impede reduction initiatives in waste management and the waste industry? I am just wondering whether you agree or disagree. Does your government agree or disagree?

Mr O'Connor: If we take a look at waste reduction, I think that is something we all have to be part of. Long before it starts involving any of the other Rs, the first priority has to be reduction. That is something we all have to recognize. If we cannot possibly monitor it accurately, then I think we could have problems. I would like to have Drew Blackwell address that because I think it is very important.

Mr Blackwell: I am just reading the paragraph in question. First of all, I would like to make a comment on what I understand is CUPE's point. I think the suggestion is that companies which have been primarily engaged in collection of waste for disposal have not been very quick

to move their clients over towards the maximum possible recycling. I would not say this is a case in which profit-driven activities of the private waste industry have impeded waste reduction initiatives. I would not agree with that as a collection of words.

I do think it is the case, however, that as a society as a whole, both private and public sectors, we have not moved as quickly as we could from a waste disposal orientation to a waste reduction orientation. I think it is important to recognize that all of our institutions, including a number of private sector institutions, have oriented their way of proceeding towards the collection of mixed materials.

If we look at an area that has not traditionally been considered garbage, as you yourself, I believe, pointed out earlier in the week when we were talking about commodities, and we look in the area that is traditionally dealt with by those companies affiliated with the Canadian Association of Recycling Industries, I think we will see that the attitude with which people approach their clients is that they are going after materials which have value. They want those materials, and they want those materials in the most completely source-separated form possible. That is, a company will go to a metal processor and say: "If you've got these pieces of metal coming off the lathe and they are two inches wide, I want those in one box. If beside that you have another lathe producing metal turnings that are three inches long, I want those in a separate box. If you mix the two boxes together, the value goes down."

Mr McClelland: I take it you are saying that the waste management office does not see them as necessarily being incompatible.

The Chair: I am sorry. We have run out of time. I will allow you to place your question on the record as notice. Mr Wiseman, you will also be able to place your question. Mrs Marland, if you have any questions, you can place them at this time. Mr McClelland, do you want to place your question?

Mr McClelland: I appreciate Mr Blackwell's answer. Further to my question, I take it to mean that he does not see the profit motive being necessarily contrary—

The Chair: Is your question, does he see? If it is not an interrogative, but is a statement, you will have to save it for another time.

Mr McClelland: Okay, does he see that? That is a yes or no. I do not want to put words into his mouth, Madam Chair.

The Chair: All right.

Mr McClelland: I understood his answer to mean that he does not see it as necessarily in conflict. I am not sure what the parliamentary assistant's position is. I would like to know what his and his government's position is. I think we know what the waste management office's position is. I think I understand that.

The Chair: So your question is of the parliamentary assistant to the minister. Thank you. Mr Wiseman.

Mr Wiseman: My question to the parliamentary assistant and to Jan Rush is simply to allow her to explain the criteria in the interim waste draft document for the other

members, who obviously have not read it. That is the basis of my question, but I do have one question. Is the Interim Waste Authority considering amendments and additions to the draft criteria at this time?

The Chair: Thank you, that is on notice. Did you have a question, Mrs Marland, that you wanted to place on the record?

Mr McClelland: No, thank you, Madam Chairman.

The Chair: Thank you very much. I would like to point out to all members that when we have a cancellation of presentations we can use that time to question the ministry or to place questions on the record. The hour now being 5 o'clock, the standing committee on social development is adjourned until 10 am tomorrow. Thank you all very much.

The committee adjourned at 1702.

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First Intersession, 35th Parliament

Official Report of Debates (Hansard)

Tuesday 28 January 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le mardi 28 janvier 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
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Présidente : Elinor Caplan
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday 28 January 1992

The committee met at 1006 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

GREENPEACE

The Vice-Chair: We are beginning this morning with the continuation of hearings on Bill 143, the Waste Management Act. Our first delegation this morning is Greenpeace. I ask that you identify yourself, sir. You have 20 minutes, and it is customary to leave a little time at the end for questioning and/or comments by the members of the three caucuses here.

Mr Palter: Thank you very much. My name is Jay Palter. I am here today representing Greenpeace. I have been with Greenpeace for four years now working on various toxic waste issues. In my brief presentation this morning I am going to focus my attention on two primary areas related to the Waste Management Act, Bill 143; that is, the imperative to implement waste reduction, which is addressed in the bill, and the proscription of incineration as a safe waste management alternative.

I will start by talking about waste reduction. Greenpeace strongly supports the comprehensive application of reduction, reuse and recycling measures to the municipal waste stream enabled by the proposed amendments in this bill to the Environmental Protection Act.

The waste management crisis that our society finds itself in is the product of two main conditions. First, we generate far too much waste and, second, our traditional response to this problem—mixing and dumping the waste in what amounts to a large hole in the ground—is incompatible with our desire for a healthy environment and a sustainable future. A sound ecological strategy must endeavour to address both these conditions that produced the crisis without creating a new set of problems that results in a worse crisis or a crisis of greater proportion in the future.

The proposed waste reduction amendments to the Environmental Protection Act contained in this bill address both these conditions. These amendments pave the way for regulations designed to reduce the quantities of waste we generate by changing the current wasteful and dirty productive and consumptive habits in all aspects of our society.

Further, any reduction in the quantity of waste generated will necessarily be paralleled by a change in the quality and composition of the materials we therefore discard. For example, when we sort, separate and compost organic

waste and reduce and remove toxic waste from the waste stream, we address the second condition of the waste management crisis by minimizing the environmental impact of the resulting landfill for those residual wastes.

By focusing our attention on front-end, preventive waste reduction with the long-term goal of minimizing waste and maximizing efficiency, we can succeed in fundamentally altering the conditions that produce the waste management crisis we are now facing. Thus, Greenpeace supports an aggressive waste prevention strategy that employs innovative and creative measures to discourage waste generation for solving not only this municipal waste crisis but all ecological crises that are rooted in our wasteful and dirty productive and consumptive practices.

In order to succeed, however, such a waste prevention strategy must be comprehensively applied to all practices that contribute to the waste stream, through the implementation of the reduction, reuse and recycling measures. As a mere theory or an enhanced regulatory authority, a preventive waste management strategy will not succeed in averting another waste management crisis. In other words, real reduction of waste is the sole and most important criterion for success.

It would be useful here to clarify that while Greenpeace supports the general environmental strategy that the present government is applying to municipal waste, this support is conditional upon the achievement of these real reductions in waste generation in the province of Ontario in the very near future.

The ecological benefits of a waste prevention strategy are numerous. Most obviously, when we reduce and recycle paper products, glass, aluminum, metals, yard and organic waste we conserve finite natural resources and the habitats they support. When we recycle we reduce air pollution and water pollution and energy consumption by substituting secondary materials for virgin materials in manufacturing processes.

Economically as well, waste prevention strategies are cheaper and last longer than low-tech, high-cost waste disposal technologies like incineration and mixed-waste landfilling. Additionally, for each one million tons of materials processed, for instance, in the state of Vermont, recycling facilities generate in the range of 550 to 2,000 jobs. This is per million tons processed, depending on the type of facility. Incinerators, for instance, generate only in the range of 150 to 1,100 jobs per million tons of waste processed and landfills, of course, only in the range of 50 to 360 jobs. Job for job, waste prevention strategies beat disposal by a long shot.

The second thing I wanted to talk about was the proscription or exclusion of incineration as a waste management option. Greenpeace strongly supports the exclusion of incineration as a waste management option on the grounds that it is neither an effective, efficient, rational nor

ecologically safe technology. Incineration does not address either of the two abovementioned conditions of the waste management crisis. Incineration is a back-end response to waste management, since it focuses on treating, burning and dispersing waste after it is generated. Hence, at the very best, incineration has no impact on the quantity of waste we generate in society. At the very worst, however, incinerators directly counteract efforts to reduce waste generation by creating economic incentives for maintaining steady supplies of waste to fuel them.

Incinerators also fail to address the second condition of the waste management crisis, our dependence on landfills, by actually requiring landfills for ash products and non-combustible materials. Moreover, incinerators, when functioning properly, concentrate the hazardous waste constituents in garbage in the ash byproducts, creating a far more hazardous, though less voluminous, material to be landfilled.

Incineration schemes that are promoted by the operators of cement kilns, for instance, merely present the illusion of addressing this problem by integrating the hazardous ash byproducts into their products, thereby merely transferring or externalizing the environmental costs to the future users of those products and the future disposal problems posed by those products.

Despite the demonstrated ineffectiveness of incineration as a response to the waste management crisis, the incineration industry curiously continues to promote burning waste as an efficient "solution" to other environmental problems. To this end, the industry has launched marketing strategies which link incineration to "resource recovery," the so-called fourth R, and invoke slogans such as "energy from waste." These strategies and slogans are intended to present in a positive light what is essentially a negative and destructive technology. In fact, burning waste under the guise of recovering energy actually wastes energy. More energy is saved by reducing, reusing or even recycling waste materials than is ever generated by burning those materials when you take into consideration the fact that you have to use far more energy to re-create, reproduce, extract, refine and manufacture new products destroyed by the incineration process.

Every day it becomes increasingly more evident that the solutions to our present and future energy problems will come from applying conservation efficiency measures. Incineration is essentially a destructive and wasteful technology of the past. At best, it is neither an efficient nor a rational response to our current waste management or energy problems. At worst, it is utter lunacy.

Finally, there exists no conclusive scientific evidence or proof that incineration is safe. However, much scientific evidence exists showing incineration to be harmful to human and environmental health. Even under the strictest standards, so-called state-of-the-art incinerators emit neurotoxic heavy metals that have escaped combustion, since they do not burn in the first place—chemicals such as mercury, lead and cadmium—as well as products of incomplete combustion, which are thousands of different chemicals created in the incineration process, of which

only a small fraction, including the deadly dioxins, have ever been identified or tested.

Additionally, all incinerators produce acid-rain-forming gases and contribute to global warming through emissions of large quantities of carbon dioxide, which is in fact precisely what, in theory and on paper, they are supposed to do.

In closing, despite the claims of the promoters and financial beneficiaries of incineration—in other words, the manufacturers of the parts, the contractors who build large megaprojects, the operators who profit from the operation of incinerators and the sycophantic hordes of consultants who will say whatever they need to say in order to promote incinerators—incineration is neither safe nor sensible.

That is the end of my formal presentation. I will just allude to a couple of attachments which I was unable to bring in quantities to distribute to all members of the committee. I therefore brought three copies, one for each party caucus, to review and distribute as necessary. I will be happy to answer any questions.

The first is a general report called *Playing with Fire*. It is a technical review of the literature around hazardous waste incineration. While hazardous waste incineration is not exclusively what you are discussing here, it is quite clear that the technology is generally applied to other wastes. Much of the literature around hazardous waste incineration will be relevant to the discussion of municipal waste incineration, so I draw your attention to this. It is a very thorough review of the literature, quoting extensively from Environmental Protection Agency sources concluding that incineration is far from safe and that there no evidence to prove that it is.

In addition, I have brought a study called *Sham Recyclers: Hazardous Waste Incineration in the Cement and Aggregate Kiln Industry*, another study done in the United States, based on 41 cement kilns in the United States that are currently burning hazardous wastes. The cement kiln industry usually can substitute a whole range of different wastes, depending on what is currently in the media at any one time, as supplementary fuel for their manufacturing process of cement. This is a very interesting study of the impacts of burning hazardous waste materials, many constituents of which are contained in garbage, in a cement kiln that is not designed to do that. This is another interesting document you might want to look at.

Finally there is a document called *Trash into Cash*, a study of Waste Management Inc and its environmental crimes and misdeeds over the past decade or so. This is a company that is quite large and a major player in the private waste management industry. There are many references to their less-than-orthodox business practices. It might be something you would want to take a look at. I will just draw your attention to page 8, which talks about the economic malpractice of the company for profit. I will quote very briefly.

"This company, its subsidiaries and its employees have faced anti-trust lawsuits or government investigations in at least 17 states in the United States. Since 1980 Waste Management Inc, its subsidiaries and its employees have paid over \$28 million in fines or settlements for price-fixing, bid-rigging and other allegedly illegal means of discouraging

competition." There are many examples here. I draw your attention to that and hope you find useful information there as well.

I thank you very much for the opportunity to present to you today and I encourage any questions you might have.

1020

Mr Cousens: My office and Greenpeace have been in conversation since November or December during the debate on Bill 143. I drew attention to Greenpeace support of the Nuremberg incinerators. Yesterday I had a chance to talk to the source of that information and I will be getting it and passing it on to you. They have been in Florida and are now back in town. I understand there are certain state-of-the-art units that have addressed the concerns you are raising. I put that on the record so you know I am following it up with regard to that issue you raised with me earlier.

I think one always has to be careful of his or her sources, the scientific background for the information one is using. I wanted you to know I will have that for you and I am in the process of getting it. I say that publicly because it does raise the question about Greenpeace here in Canada having one view and Greenpeace in Germany having another view on the issue you have talked about.

I want to ask you a question. Where did the fourth R go to? I like the way you brought it into your discussion, because at one time we also talked about "recover" as an important part of the 3Rs. It was 4Rs, and the fourth R was "recover." It has pretty well disappeared from debate. I think Greenpeace has given leadership to everybody to think about these issues. Have you any sense as to why the fourth R has been totally removed from the vocabulary of the environment?

Mr Palter: Yes. I have lots of answers to those questions. First of all, I want to address in the public record the source. I also had the opportunity yesterday of contacting your source for the information. I wanted to make it clear—I think it was fairly clear in my presentation today—Greenpeace nowhere in the world supports an incinerator. Greenpeace's policy is uniform throughout the world—Canada, Germany, every country in the world—to oppose all forms of incineration, particularly garbage incineration, which admittedly is probably the most foolish resource to be incinerating in our society. For the record, that goes without saying and I hope my presentation made clear the reasons we feel that way.

I had the opportunity of talking to the so-called source of your information yesterday. Curiously enough, the story I heard was that your source went on a tour of a facility and it was the plant manager who in a verbal communication suggested Greenpeace had supported this thing. I thought it was unfortunate of you to return to get this information and publicly in the Hansard, without contacting Greenpeace Canada—not to mention checking even with Greenpeace in that country and relying on the source, being a plant manager who has every interest whatsoever in suggesting that the environmental foes that are the biggest block to their desire to burn garbage would in fact support it. That was an outright lie.

It was unfortunate that you did not check with this organization in Canada. I would only encourage you in the future to please contact me directly if you have any questions about our policies to clarify them before publicly speaking or misspeaking in public about them.

There is another question I wanted to respond to, if possible.

Mr Cousens: In this room, and anyplace, "outright lie"—

Mr Palter: I am referring to the plant manager in Germany, for clarification.

Mr Cousens: I want to make it very clear that is the reference you are making. I also want to make it clear that I would not have used that information had it not been from a reasonable, honest, good source.

Mr Palter: I would think Greenpeace would be the best source of Greenpeace policy, so in the future I would request, Mr Cousens, if you could just contact us.

Mr Cousens: I will be pleased to.

Mr Palter: We would be happy to share information.

Mr Cousens: I just want you to know there is some question about Greenpeace policy. I have that question and I raise that question.

Mr Palter: I am a spokesperson. There is no question about Greenpeace policy.

Mr Cousens: There is to me, and I raise it here in committee.

I wanted to ask you about the fourth R.

Mr Palter: I am not sure what happened to the fourth R. I know it has been hijacked by the waste management industry. There are many other ways to interpret the fourth R, which is to say it does not necessarily mean we have to burn valuable resources to recover their energy value. It may very well mean that one day very soon we are going to go back to landfills that we have been filling up with valuable resources for many years and literally recover those materials from the landfills—those metals, those papers, all that material that is sitting there waiting for us to go back.

Very quickly it will become more economical, it will become better for the environment, it will become more efficient for us to go back to the landfills which are now full of valuable resources and recover those resources rather than pretending to recover their energy value through destroying those resources in the future. I think there are a lot of ways to understand recovery. It did not disappear; it was hijacked by the waste management industry.

Ms Haack: I would like to thank Mr Palter for an extremely articulate presentation. I just wanted to centre on something you said on the second page of your presentation, because I think it falls in line with some of the comments that actually have been made from opposition parties. They have indicated that the profit is something that we should really be addressing. In fact, you are making a comment regarding the number of jobs that are created, the financial benefits that really accrue to a community as a result of recycling. Can you expand on the economic benefits in the examples you have made in your presentation?

Mr Palter: Yes. I will draw your attention to a document I just left in my bag called *Worldwatch*, paper 104, which is I believe September 1991, which in great detail describes jobs in a sustainable future. One of the sections in that report discusses recycling and reuse strategies and the fact that, in general, they are more labour-intensive and create far more permanent long-term jobs. It is true that building a large project like an incinerator tends to create a lot of short-term construction jobs, but it is arguably more healthy for the economy to be creating long-term, permanent and, in the future, more highly skilled jobs in terms of processing and reducing waste in a waste management infrastructure that focuses on prevention and reduction.

Beyond the numbers I have quoted from that document, in general incineration and disposal technologies tend to be promoted. Landfill rarely is promoted as an economic benefit for a community because it is hard to imagine what kind of benefit could come from dumping valuable resources into a hole in the ground only to leak some time soon in the future.

The incineration unfortunately is promoted very actively as a benefit for economic development, and it has just never been proven to be the case. Any community that has accepted an incinerator usually takes a downturn in economic development over the long term. Incinerators are dirty industries; they are old-fashioned industries. They are like smoking: They are out of fashion, they are out of touch and they do not correspond with the reality that the 1990s represent to us, that we are trying to protect health and to encourage healthy economic development.

The Chair: Thank you very much for your presentation this morning. I am sorry that time has expired. We appreciate your coming before the committee. If there is additional information that you would like to share with the committee, please feel free to communicate with us in writing.

I apologize, Mrs Fawcett, we have run out of time.

Ms Haeck: Could we have a chance to put any questions on the record?

The Chair: Yes, you can put the questions on the record.

Ms Haeck: I have sort of a supplemental question to the one I just asked, which is, has Greenpeace looked at the financial benefits for companies by their initiating any large-scale waste prevention or waste reduction programs?

The Chair: Mrs Fawcett, did you want to put your question on the record?

Mrs Fawcett: I am just wondering, has Greenpeace done any cost analysis of incineration compared to landfill? Right now, what are the options? If we ban incineration outright, what about landfill? Is it totally safe? Is it cost-effective? Also, what is your suggestion for biomedical waste?

The Chair: Thank you very much, Mrs Fawcett. The clerk will notify you of the questions that have been placed on the record. We would appreciate if you would answer in writing before February 14; it will become part of the public record. After that it will be shared with the committee members for their information. Thank you for appearing today.

Mr Palter: Thank you very much. I appreciate the opportunity and your attention.

1030

WMI WASTE MANAGEMENT OF CANADA INC

The Chair: I would like to call next WMI Waste Management of Canada Inc. I would ask that you begin your presentation by introducing yourselves. You have 20 minutes for your presentation and we would appreciate it if you would leave as much time as possible for questions from members of the committee. Welcome.

Mrs Porteous-Koehle: Thank you for the opportunity to address you this morning. My name is Nancy Porteous-Koehle, government affairs director for WMI Waste Management of Canada. With me today are Bob Webb, business development manager of WMI Canada; Howard Goldby, our senior environmental engineer for eastern Canada, and Peter Hendrick, vice-president of development and public affairs for the eastern region, which includes northeast United States, Ontario and Quebec.

When the New Democratic Party was elected, we at WMI were very pleased when Premier Rae appointed Ruth Grier as the Minister of the Environment. We know her well and we respect her dedication and commitment to protecting our and our families' environmental future. Our Recycle Canada Etobicoke facility is located in her riding. We share many of the same environmental concerns expressed by Ruth Grier and members of the Legislature and we are looking forward to continued working in partnership with Ontario and the municipal governments at developing and delivering waste management services for environmental needs.

During these hearings committee members have expressed conflicting statements on whether Bill 143 will or will not eliminate private waste management companies and operations. We appear before you today to request some changes to Bill 143 to ensure that the private sector remains an integral component of the management of waste, will be allowed and encouraged to continue partnership arrangements with governments and will be encouraged and requested to continue to research, develop and implement leading-edge solutions for Ontario's environmental problems and concerns.

WMI is the largest provider of environmental and recycling services in Canada and the United States. In Ontario we employ over 400 men and women, operate 11 companies, have a payroll in excess of \$18 million and in 1991 opened a \$25-million recycling facility designed to process 500 tons per day of dry industrial, commercial and institutional material. Many of our employees have close to a quarter of a century of experience in waste management issues.

Our Recycle Canada Etobicoke facility is the first of its kind and the largest in Canada and the United States to provide industrial and commercial customers with the opportunity to do their part recycling materials which would otherwise have gone to landfills. These materials are now ending up in guaranteed end markets as a supply of manufacturing stock at industries throughout Canada and the world. We have found markets for and are recycling more materials than the ministry is mandating in Regulatory

Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1, such as HDPE, PET, LDPE, polystyrene, polypropylene, boxboard and computer printout paper. In addition, we have active programs in research and development, waste reduction and reuse, and environmental innovation.

Bill 143 addresses important aspects of waste reduction and recycling. However, regulatory efforts to control waste streams are only part of the answer. Currently, legislative mandates in other jurisdictions requiring separation and diversion of materials from the waste stream have worked, but have also created an oversupply of materials without regard to demand or available markets.

To answer this concern, Waste Management of Canada actively supports legislation or policies which would require (1) mandatory provincial government procurement of products containing recycled materials consistent with recycling rates and goals; (2) incentives for manufacturers to use recovered instead of virgin material; (3) measures to reward business for the utilization of recovered material; (4) measures to realign responsibility for the solid waste stream; (5) the development of a simple minimum-content requirement; (6) in cooperation with business, government-sponsored research and technology transfer studies on the use of recovered material; (7) expanded grants to the private sector to stimulate market development; (8) diversion programs tied to available markets, and (9) expanded public information and education programs.

Some of these policies are contained within Initiatives Paper No 1, which we commented on to the ministry. Adoption of the above policies will lower net recycling costs and increase market demand, thus providing the basis for a sustainable, long-term recycling program on a nationwide basis. The emphasis of current public policy and legislation needs to shift from focusing on diversion of materials to creating markets and reducing the overall costs of recycling.

WMI, along with other private companies, invests millions of dollars each year in the research and development of environmental solutions. Government should encourage the contribution environmental companies can make in supplying Ontario with excellent environmental solutions. Losing the private sector's involvement would put an astronomical and unnecessary financial burden on the residents of Ontario. We would also lose millions of investment dollars, jobs and an opportunity to develop our own or have access to world-renowned environmental technology and facilities.

Most of our requests for changes to Bill 143 are very similar to requests contained within Metro Toronto's and AMO's presentations. Some are different. I will quickly verbalize some of them, which are detailed in our written submission given to you today.

In part I we request that a clause be added to restrict the powers of the Interim Waste Authority to lands in the GTA and to put a time limit on the life of the authority.

In part II we are requesting that the proponent be responsible for diversion figures after consulting with industry and municipalities, that energy from waste not be legislated out as a waste management alternative and that

protection of the environment and not political boundaries determine "primary service area" and that shipments of waste and/or materials not be restricted.

We believe the wording in part IV puts private waste management companies out of business in Ontario. We have heard more than one committee member state that this is not the intention of the bill nor of the government. The changes we are recommending should help to eliminate some concerns the private sector may have. We believe these changes could be endorsed by all members of the Legislature, including the minister.

In section 23 we support the province taking an active role in encouraging research and development, but we request that the ministry's role be one of regulator, policy-maker and enforcer of environmental laws. It should not be the proponent or operator of a waste management system. We also request the deletion of the words "any arrangements" from the definition of "waste management system."

In sections 23 and 26 we request that the minister retain all powers. By adding the words "to ensure" to the beginning of the bill's section 26, dealing with section 29 of the EPA, you would give municipal governments the option to either do the directives themselves or contract out to private enterprise. Also, in the EPA's section 29(2)(c), "to support" and "to ensure" would need to be substituted for "to seek" and "to implement".

We would also request that section 33 be deleted entirely, but if it remains, we request the minister not to get involved with staffing or design of waste management systems or waste disposal sites, except for environmental safeguards.

In closing, we support many of the stated objectives of the minister to change Ontario into a conservator society. We support and encourage strong regulations that will bring about improvements to Ontario's environment. We believe and support governments' mandate to regulate and enforce high environmental standards. We extend a sincere offer to share with the minister and our fellow citizens WMI's many years of experience and the knowledge we have gained from firsthand endeavours. As proud residents of Ontario, the employers of WMI want to continue developing and implementing new ideas and technology in the field of reduce, reuse and recycle. We believe we offer an excellent environmental service to our neighbours, our local government and business and industries in our community. We are here to ask for a show of confidence and support by this government for the private sector through changes in this bill. We are also requesting that all future government documents and bills pertaining to environmental and waste management issues address in a positive manner the issue of private sector involvement. Thank you for your attention.

1040

The Chair: Thank you very much for your presentation. We have approximately three minutes for each caucus.

Mr Wiseman: On page 3 of your brief you say, "We have found markets for and are recycling more materials than the ministry is mandating in Initiatives Paper No 1." Could you give us a quick description—I think we have one more question—of the kinds of markets that are available?

Mr Webb: Just one market we have established is for fibre products: cardboard, newspaper. We formed a joint venture with Stone Container, which owns 50% of Consolidated-Bathurst here in Canada. Through that organization we are marketing fibre products not only through North America but around the world. In 1990, Waste Management alone recycled more newspaper than the province of Ontario.

Mr Wiseman: Some questions about the state of the market for aluminum tins, tins made out of metals, glass and all these things: Could you perhaps give us a good description of what it is that the consumers of, say, glass are looking for in glass recycling, and why there is so much trouble in the marketing of glass?

Mr Webb: I am not sure exactly what—

Mr Wiseman: There is a problem. We read in the newspaper, that Consumers Glass or somebody is turning back glass. Why are there problems there, and what can be done to solve them?

Mr Hendrick: I think this question points out the need, particularly for government, to play an active role in market development. Glass is just one example. Particularly in the eastern part of North America, there are not many manufacturers of glass reuse products. They have very high demands of the quality of material when they are turning the glass back into bottle products. When you have mixed cull, it is very difficult to produce an end product that is suitable for the marketplace. Additional moneys in research and development to stimulate the manufacturers into retooling and creating those markets will ensure that there is a market demand and that the recycling programs set up by this government will not collapse due to an over-supply of material.

Mr McClelland: I have a couple of very brief questions. Yesterday we were told by a group of individuals who were before the committee that it is their belief that the profit motive impedes the development of the 3Rs initiatives by the private sector. I wonder if any of you, Mr Webb or Mrs Porteous-Koehle—by the way, I would like to thank each of you for being here—would have any comparative data in terms of how much money the private sector has put into the development of markets you have talked about in response to Mr Wiseman's question. Is there any comparative analysis you might have? Do you have a sense? If not, how much money in the private sector does your company, for example, put into it compared to what the government has put into the development of markets and the 3Rs technology initiatives?

Mr Webb: In developing markets, I mentioned one joint venture we have with Stone Container. We have a second one set up with American National Can which is just being developed right now for the recycling of glass containers and metal containers. We have built our first plant, on which I believe we spent about \$2.5 million, in the Chicago area, with plans to develop more plants. We worked with Du Pont for the recycling of high-density polyethylene and PET and built plants in Philadelphia and Chicago and we are planning to work with them and other

plastic manufacturers to develop more recycling technology and more end markets.

Mr McClelland: Can you give me a brief handle on the capital expenditures—we are limited to three minutes, unfortunately—any sense, even in the past five years or three years, of capital investment in terms of developing markets and technology research?

Mr Webb: Last year in our region alone, which is eastern United States and eastern Canada, we spent over \$35 million in development of recycling and reduction programs. There are nine such regions in our company.

Mr McClelland: That is \$35 million in one region and there are nine such regions. I wonder if later on the parliamentary assistant would provide how much money the government of Ontario has invested in a like period of time in development of those types of markets.

One other thing that appears here, Mrs Porteous-Koehle—and I apologize for rushing through this, but as you know, we are limited to three minutes—is that you say on page 2 that you require some changes “to ensure that the private sector remains an integral component in the management of waste.”

Mrs Porteous-Koehle: Yes.

Mr McClelland: You have heard some statements to the effect that you are welcome and so on. You are accountable to shareholders as a corporation. You cannot operate on vague promises; you need assurances. I wonder if you could re-emphasize that point in terms of the private sector and the way it operates.

I am not trying to be critical in this sense. I think there is something we have to really address here, that assurances are required, that representations are not sufficient, and the necessity for you to have changes so that you can invest and continue to do the work you are doing.

Mr Hendrick: I think, like any organization, we need to plan for the future. To forge a true public and private partnership, we recognize that there is an active role that public organizations and entities must take. In the private sector, the amount invested in the future is usually outlaid over a five-year period. The planning for that process, planning for changes that are mandated by legislative bodies, is a very important process in any business unit, particularly in the environmental arena, where society and public entities as well are demanding more accountability for organizations like ours.

Mr Turnbull: Given the fact that there seems to be a difficulty with the price obtained by anybody wanting to sell waste materials such as bottles or newsprint or anything for recycling—it has become less economic—what would you do, without costing the public purse any money, to ensure that there was more demand and that we could spur recycling?

Ms Porteous-Koehle: I think we outlined a bit of that in our presentation where we said that the government can set up a policy—I am trying to find the right terminology—to create markets, “diversion programs tied to available markets,” “development of a simple minimum content requirement” and so on. The government can do a lot to help

stimulate the end markets. We have been able to go out and find end markets for many products that are not even listed.

Mr Turnbull: I am very pointedly saying that it cannot be government money, because it is quite clear that the government does not have any money.

Mr Hendrick: I think business, industry—not just our industry—is quite willing to commit resources. A simple thing like technology sharing—there are a lot of innovations that have occurred throughout the world on how to take different waste products and turn them into useful end products, whether that be paper or plastics or the combination of both. Getting that information out to the private sector and providing some long-term investment or tax incentives might be economical ways whereby the government can participate to create a greater demand for material that was once considered waste.

Mr Turnbull: And presumably some sort of guarantee that if you are making these investments, the government is not going to suddenly wade in and take over your business in the future.

Mr Hendrick: I think there is certainly an active role for the private sector and for government and that there can be some positive synergy between the two groups.

The Chair: A question for the record, Mr Lessard.

Mr Lessard: I want to thank you for your presentation. You seem to see a lot of positive aspects of this legislation. You say you believe, "the wording in part IV puts private waste management companies out of business in Ontario." You also mentioned partnership, and I just wanted to state that this is going to require partnership from the public and private sectors and from consumers. You have suggested some changes to the bill, and I wonder how you see those changes, which seem very subtle, giving you the assurance that the private sector does have a role to play in the future.

The Chair: A question for the record, Mr Wiseman.

Mr Wiseman: My question has to do with page 4, number 1, and page 5, number 5, with respect to "the development of a simple minimum content requirement" and "mandatory provincial procurement of products...." Given the likelihood that the federal government is negotiating a North American free trade agreement, and my information is that Consumers Glass has already lost two of its plants due to Labatt's sending its bottle production to Mexico, how do your recommendations fit with the current FTA and what could be a new North American free trade market?

1050

The Chair: A question, Mr Cousens, for the record.

Mr Cousens: If there are any specific examples or guidelines suggested through your own discussions on pages 4 and 5 of your presentation that give some suggestions to the government, with your worldwide experience which I strongly respect, I would appreciate any of those guidelines, because it could give us at least a discussion point in future debates in this Legislature.

The Chair: Thank you very much for your presentation. Further question, Mr Lessard?

Mr Lessard: I have two questions for the record. I would like to know what percentage of your gross income goes towards research and development, and whether you can determine the impact on your recycling operation that incineration or energy from waste might have.

The Chair: The questions that have been asked will be made available to you by the clerk in writing over the next few days. We would appreciate it if you could respond in writing. If we receive your reply before February 14 it will become part of the public record. If it is received after February 14 it will be available for all committee members to share and to receive.

I would like to thank you for appearing before the committee today and assure you that if there is any additional information you believe would be helpful to the committee, we would appreciate hearing from you on that count as well.

Mrs Porteous-Koehle: Thank you, Madam Chairwoman. Within the package we passed out to you today was a very sincere invitation for every member of the Legislature to come and visit our plant, Recycle Canada. It is only 15 minutes down the road. We would be delighted to have you visit.

The Chair: Thank you very much.

ÉNERGIE SEPT-ÎLES ENERGY

The Chair: I would next like to call ENSIE. Please come forward. You have 20 minutes for your presentation. Would you begin by introducing yourselves? We would appreciate it if you would leave as much time as possible for questions from committee members.

Mr Kierulf: My name is Haakon Kierulf. I am vice-president of Peter Kiewit Sons. Joining me today is Charles Pole, vice-president, operations, of Upper Lakes Shipping Corp. We are the proponents of this scheme we call ENSIE.

I appreciate the opportunity to make a submission to this committee and look forward to your questions and comments. It is somehow appropriate to us that this bill is before a social development committee. Waste disposal is primarily a social matter. Technology and practice provide us with the solutions.

I want to say at the outset that we support the drive towards a conservator society and accept the impacts—such as 3R programs—this has on projects such as ours. I do not intend to read my brief to you. Rather, I would like to describe the concept of our proposal, outline some of the benefits, discuss how it fits the minister's stated objectives, explain how Bill 143 impacts on our project, and then leave time for your questions and comments.

Our proposal is designed to take residual waste from the GTA that is otherwise bound for landfill. We will process it to recover recyclable materials and then use the material to prepare a densified, stable fuel, all of this within the GTA. This will then be taken to Sept-Îles, Quebec, through energy-efficient bulk transport shipping, where it will be used in a new, leading-edge facility to produce electric power. This proposal uses proven technology that will be further adapted to GTA needs. It is cost-effective. It will

create new, good jobs and preserve existing jobs. It will mean over \$100 million of new investment in the GTA. Similar facilities are operating elsewhere which meet and surpass stringent environmental regulations.

In Sept-Îles, where we expected to encounter opposition, we have received the unanimous support of the local council, the encouragement of the ministère de l'Environnement, and the interest of Hydro-Québec. In Ontario, where we have the waste crisis, we find a public policy environment which seems fixated on an outdated understanding of the technology and processes involved and a refusal even to consider alternatives to the somewhat primitive landfill practices we have used in the past. Opponents of our project frequently compare it to the worst mass-burn incinerators of 30 years ago, or even to new mass-burn facilities which are using outdated technology. This prejudice is unfortunate. Our process is different and our outputs will be different. Even in the past year there have been important advances in this technology.

Transportation is also viewed as inappropriate by some people. However, it takes as much fuel to transport material to Seven Islands, or Sept-Îles, by ship as it does to truck it to a dump in the GTA with ordinary trucks.

This project has been proposed and refined in response to the minister's stated criteria to establish an environmentally sound, cost-effective and technologically innovative waste management system. One of the minister's key principles is public consultation, but this legislation pre-empts a full and complete consideration of options and alternatives. We support the principle of product stewardship and the waste reduction initiatives outlined by the minister, and we believe this project supports this principle.

In her opening remarks to you, the minister stated she welcomes new constructive approaches. This is one of them. ENSIE is an alternative to landfill. It is not designed to replace reduction, reuse or recycling. Rather, it is designed to accept residual waste which is otherwise going to landfills and which the ministry recognizes will need disposal for decades to come. Refuse facilities in the United States prove this project can be compatible with waste reduction goals.

Another key principle is full cost accounting. Landfill cannot be considered a cheap method of waste management. Recent data from New York suggest that the true capital cost of building a landfill site approaches \$1 million per acre. This means a public expenditure of over \$1 billion in the GTA to build the three new landfills, and also the depletion of green space.

We are not here today to advocate our proposal in isolation. Rather, we are here to encourage all involved to engage in a full consideration of waste management options, to appreciate the rapidly changing technology that can provide preferred solutions and examine this proposal and others on their technical, environmental and social merits.

As currently written, Bill 143 prevents a full debate of the waste management alternatives that exist. For the government to pre-empt this debate while claiming to promote consultation is regrettable. Section 14 of part II must be withdrawn if citizens are to be allowed the opportunity to consider all options and make informed choices. We urge

you to amend this legislation to permit the consideration of alternatives.

The Chair: Thank you very much for your presentation.

Mr McClelland: I was particularly interested in one of your points and I wondered if you might expand on it. One of the issues often thrown out in defence of the position is the idea of shipping product. I use the word "product" and I would like you to emphasize that, if you would, in terms of what we are talking about, that this is not necessarily waste that is a product. Could you give a brief comparative of what we are talking about and expand on the issue you have raised here that it is post-3R? This is material that has already been recycled or has been sorted, yet you are taking it a step further. Could you also expand on the shipping costs? There has been much said about the relative downsides of shipping product out of the area, and I wonder if you could just expand on that for us. You made a passing reference to the cost of shipping to Sept-Îles.

Mr Kierulf: We have developed our scheme on the basis that the municipal solid waste that enters our stream is processed here. The output of that, once we have taken the recyclable materials, is a densified material in a pallet, briquette or some similar form to which we have put some additives for the purpose of both compacting it and to make it stable so that it does not break down physically or rot. That then becomes a bulk material similar to coal, limestone, even other matter like iron ore, which can be handled by these very efficient vessels operated by Upper Lakes Shipping. The costs of handling the material in a transfer and transportation sense become much lower than one might otherwise expect with ordinary municipal solid waste.

1100

Mr McClelland: The operative element of your proposal is in Sept-Îles. You indicated that the Quebec Ministry of the Environment had given approval.

Mr Kierulf: I did not say approval, I said encouragement.

Mr McClelland: Encouragement, okay, thank you. I wanted to clarify that. In terms of that encouragement, are they prepared at least to look at and subject your proposal to scrutiny under any process that could be comparable to an environmental assessment?

Mr Kierulf: Yes, it would be necessary to do that for the process and we understand it. It is required legally for the permits, but it is a well-understood process and they are encouraging us to go through it. The reason we have not proceeded is that we have not reached a point at the upstream end that warrants doing that at the downstream.

Mr McClelland: Yesterday, while under cross-examination in a court case in the United States, the Minister of the Environment of this province said she had not relied on any technical data or scientific evidence in issuing certain policies. Am I correct in assuming or suggesting that what you are asking for is simply the opportunity to put forward your proposal to the most stringent scrutiny and tests available in allowing the project or the proposal to be measured

on the basis of the empirical data and scientific evidence that could and would be presented?

Mr Kierulf: Yes, that is correct.

Mr Cousins: Just a comment, if I may, to begin with: What I see in this presentation is something of a balance between what would give economic benefits back to society, coupled with an environmental concern. Somehow or other, that has to be where we find a marriage between the way we dispose of our waste and yet do it in a way we can afford and recognize the very serious environmental concerns raised by people such as Greenpeace, which made an earlier presentation.

I have a couple of questions: The Greenpeace presentation raised the question about—for lack of a better word—incineration causing neurotoxic heavy metals, metals, deadly dioxins and acid rain-causing gases. I am coming to a question. I want to know the degree to which units you may know something about have various toxic substances coming from them, if you could comment on that. Maybe I will just leave the questions and you could respond.

Mr Kierulf: I can respond in more detail other than verbally, but the essence of a properly constructed refuse-derived fuel facility is, as I think was mentioned by others, to take the hazardous materials out at the front end. There is a plant in Elk River, Minnesota, operated by the associates with whom we are working on this and NRG Resource Recovery, whom we have mentioned in our brief, that has such low emissions of lead, mercury and other volatile metals that the Minnesota public environmental control commission—I believe that is the correct name—has recently told them they no longer need to test for them because they are so successful in removing them from the waste stream. We would expect the process on a project such as this to be examined against stringent output requirements. The ash requirements are also being successfully dealt with by them. These are not the only people, but there are good reference plants that can support these numbers. I would be happy to try to give you a summary of some plants in more detail.

Mr Cousins: I would appreciate that, because part of the information I would like to work from is where I gather technical data, scientific information, and base the decision on standards that have been established and where people are living within them. I think that is the kind of thing coming through from Mr McClelland's questions, the value of an environmental assessment. Indeed, I am not going to be any happier if Quebec does not have similar high standards to those we would want to have here in Ontario for any kind of emissions. I am sensing that is something you have addressed.

If you can I would also like you to comment—I do not expect it now; this is notice of a question. The Minister of the Environment, in her press release of January 24 in which she talked about the Detroit incinerator case—I will give you this piece of paper—said, "Studies show that the combustion of municipal solid waste during incineration releases a wide range of air pollutants, including hydrochloric acid, dioxins, furans, volatile organic compounds,

nitrogen oxides, carbon monoxide and heavy metals such as mercury, lead, chromium and cadmium."

The problem we have is that some but not all do, and the degree to which the kind of processes you are talking about—I would be interested in having some assessment as it relates to that guideline.

The Chair: Mrs Mathysen, you have the floor.

Mrs Mathysen: Thank you for your presentation.

Mr Cousins: I wish we had John Sola in the chair.

Mrs Mathysen: Thank you, Mr Cousins.

In your proposal, Mr Kierulf, you said you had the support of the town council, Hydro-Québec and the Ministry of the Environment in Quebec. In deputations that we have heard from Mr and Mrs Cooney from Orillia, Dr Paul Connert and Rhonda Hustler, they indicated that incinerators face fierce opposition from the communities wherein they are sited. I wonder, has there been a public consultation process with the people who will have to live with this incinerator? What has the response been? What has the public reaction been to this proposal?

Mr Kierulf: We have not gone through that process, because it is premature in the commitment to the project, but recently in that city there was a similar environmental assessment process gone through for a new industrial plant, an aluminum plant. Based on observation of the reactions of the community and the various interest groups, we think a project such as this will be accepted after it has been put through that process. We have not gone through that process yet. We expect to have to, if it goes ahead.

Mrs Mathysen: Was this aluminum plant proposing to burn garbage?

Mr Kierulf: No, it just happens that it was a major industrial facility that went through an environmental assessment process. It had emissions and it had all these various considerations. No, it was not an RDF plant.

Mrs Mathysen: So you still have not discussed the issue of burning waste products, burning garbage, with the community?

Mr Kierulf: Not with the community at large, only with its elected representatives.

The Chair: Thank you very much for your questions. A question for the record, Mr McClelland.

Mr McClelland: I wonder if the parliamentary assistant—not to presume a time frame, but I think this could be done almost immediately—could have a comparative provided for this committee of air quality regulations in the state of Minnesota and the province of Quebec, with current and/or draft 308 regs of the Ministry of the Environment of Ontario.

The Chair: A question for the record, Mr Lessard.

Mr Lessard: In Windsor we had a proposal for a gas-powered generating plant, but its future is in limbo because we are told that the power is not really necessary. Do you have any statistics to show that, in light of hydro-electric power availability in Quebec, they might need energy from this type of facility?

Mr Kierulf: Do you want me to answer that now?

The Chair: That is a question for the record. However, I note that we do have a minute and a half remaining, so if you would like to respond to the last one, you may.

Mr Kierulf: I can expand on that in more detail, but essentially we have discussed this with Hydro-Québec. They have a need in that particular area, not just Seven Islands but the immediate area, in which a plant of this capacity would be useful to them for peak loading. I am not sure I understand all the reasons, but it is a nice fit for their requirements and needs for private power development to supplement their major power. I can give you more detail.

The Chair: Thank you very much for your presentation. The questions that have been placed on the record will be made available to you by the clerk. We would appreciate it if you could answer in writing. As I have said before, if it is received before February 14 it becomes part of the public record. If not, it will be shared by all committee members to help us in our deliberations. Further, if there is additional information over the course of our hearings that you think would be helpful to the committee, please feel free to communicate with us in writing. Thank you for coming forward today.

1110

TONY O'DONOHUE

The Chair: I would like to call next Councillor Tony O'Donohue. Welcome to the standing committee on social development. You have 20 minutes for your presentation. We would like you to keep as much time as possible available for questions from the committee members.

Mr O'Donohue: First, thank you for having me here. Second, I am not here as a member of the city council. I am here as an engineer and as a private individual with some expertise in the field of waste.

I would like to start off by telling you that in 1968—I know that is going back a long way—I did a report on European solid waste practices. I visited I think it was 27 cities in Europe. I did this at my own expense. At that time I could not even write it off as an income tax thing. Anyway, it resulted in six weeks of touring Europe and having a look at what Europeans were doing. I was reviewing it the other night and I found that very little has changed.

One thing that has changed is of course the cost. In 1967-68, when you look back right now, it was literally very inexpensive to do the things they were doing. But a couple of other things have happened as well. There has been a lot of research and a lot of development in equipment, especially in incinerators and the measurement of minute particles and trace particles. In looking back over the 23 years, it seems to me it is a vicious circle, that around and around you go.

What I would like to dwell on today is that this particular report I did in 1968 indicated that European cities at the time were about 25 years ahead of North American cities in that they used electrostatic precipitators. They were unheard of in North America. Waste heat recovery was one of the principal things most European cities went after.

Composting was very effective and very actively pursued in warmer climates in the southern part of Europe, especially in isolated areas where the climate permitted all-year-round composting and also where there was a lack of natural resources. That basically was the European picture at that time. It has not changed very much since, with the exception of more sophistication in equipment etc.

I also spent some time with the Minister of the Environment. I was a special assistant to the Minister of the Environment in 1973. In that capacity I chaired a committee called Watts from Waste. It was a committee that was specifically focused on using waste as a supplementary fuel at the Lakeview generating station. That was a very technical report, and a very well received report, but it did not go anywhere, for several reasons. I guess the major one was that by the time the report was finished and through the system, the cost of oil and coal was back down again, so fossil fuels played a big role in that.

I have also been available in my private capacity as a consulting engineer to the various sectors in private industry. I have worked for Waste Management Inc, Ontario Liquid Waste and Laidlaw. I have a fairly broad experience in some of the things that affect our community with respect to waste.

I am a little disappointed that the ministry would be so restrictive in excluding incineration as an option. I think that is a mistake. I think we should be objective in our view of things. We should have an open mind. Unfortunately, I think a lot of minds have been closed lately.

I have been one of the victims of that as a politician. I remember when I was back on council in 1974, city council at that time unanimously approved the refuse-fired steam plants. That was the major address of Mayor Crombie at the time. That was the number one item. I have witnessed that come around full circle so that in the mid-1980s we decided to scrap it entirely. We did that unanimously. I was one of the people who voted unanimously to do that.

I regret that. I think I have been misled by a lot of so-called experts out there who have really been no credit to their professions in the way they have manipulated information and presentations and really destroyed a lot of good people in the type of information they have put out there. Some of the presentations and research that have been done by well-known and well-respected people in the field have been selectively chosen and misrepresented. I think this has been terrible.

After having reviewed some of the flip-flops I have taken with respect to this, I have come to the conclusion right now that my first views on it were correct, that incineration with waste heat recovery is an option and should be pursued and not excluded. I think the minister is probably caught in the same trap I was caught in a few years ago. I feel that is probably one of the worst things I have done in the past few years and I do not mind admitting my mistake.

The Chair: I think there are many people who will find your presentation quite refreshing at a time when most people are feeling quite cynical about all politicians.

Mr O'Donohue: Thank you.

I would like to mention some of the things that have taken place in years gone by that I think have impacted on what is happening here.

The development of new equipment which will show trace elements in gases has been a big step forward. Now you can easily read parts per million, parts per billion, parts per trillion and further on. Of course there is a new problem with that. It has generated a whole new term in medical land, and that is "microchemophobia," where most of these people are scared of the minute trace elements in everything. If we were to apply that to everything, we probably would not be drinking any water, or drinking anything, because there are trace elements of toxic materials in everything you do, everything you see, everything you breathe and everything you drink. Technology has brought us to that level, and there are people who exploit that. I think this is very dangerous.

On top of that we also have the problem, with the abundance and cost of fuels, that there is really no incentive to do any great experimentation with respect to efficiency and things like that. I hope this will be an area we will dwell on in the next few years, trying to get the most efficient use of energy, not only from fuels but from waste as well, because I think that is a very important issue.

The other thing that bothers me when I look at what is happening in the field of waste disposal is the way we negatively look at the private sector. To me this has been a very damaging thing to waste disposal in general because I think what we are doing really is destroying a very active and productive system that has brought us a lot of research and innovative things over the years and helped us in the Metropolitan Toronto area understand some of the problems we have had.

I do not want to see government get into the disposal of waste the way I assume it is going to happen here. All I have to do is look at the Ontario Waste Management Corp and simply tell you that if in the private sector I had a corporation that was working for 15 or 16 years and had spent \$90 million to \$95 million in looking for a site for a toxic liquid waste disposal system and the development of that, using off-the-shelf technology, I do not think I would last at all.

I would like to see government stay out of it as much as possible and let the private sector do all the research and all the technical work that has to be done. Government has a very legitimate role in giving some guidance and making sure people are treated fairly and adequately, but please stay out of it. Do not complicate it and do not freeze out the private sector, because it has a very important role to play.

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I am very familiar with the NIMBY problem. There are really no technical reasons for doing some of the things we want to do; they are all political reasons. Here is where NIMBY plays a real role. I myself was involved as a member in the private sector in processing the Keele Valley landfill sites. I led the engineering team from Crawford Allied Industries, one of the partners in the venture. Indeed, it is their particular site that is being used right now. I spent six or seven years processing that and I am familiar with what has happened. No matter what you do, there will

be people who live around a facility who are against it. I have sympathy for anybody who lives next to a sewage treatment plant, a garbage dump, a water filtration plant, a factory or anything like that, but you have to put them somewhere.

In reviewing the way we do things, I think the systems we have devised over the years make it almost impossible for anybody to get approval on anything. The Keele Valley site itself at that particular time cost around \$6 million to process, although I have been told it is up to \$10 million. It took six years. I do not think any small private company could ever afford that. It really pushed waste disposal into the clouds as far as small companies were concerned, and it really helped the big conglomerates become the sole occupants of that responsibility. This has been wrong.

Of course, it has not been better over the last few years. It will now probably take between six and 10 years to process the sites using all the tactics you can use under the system, and it will probably cost \$10 million to \$15 million to do all the necessary work and have all the lawyers, the planners and the engineers. So in the end, really, the process becomes the product more than anything else, right down through the whole environmental assessment that we have in place right now. I think it is destroying our system; it is eating up a lot of the good people we have. I know some engineering companies now that have no people in construction at all, companies that traditionally had a lot of people working in construction. Most of them are doing studies. This is one way it has become a non-productive society. I hope some people and policies will turn that around.

The other thing I find rather distressing about what is happening in the waste system is the lack of interest in markets. I think there is a role for government in helping to develop markets. This has not happened. This week Metro council, by a vote of council, is going to decide to dump 2,500 tons of old newspapers. That is symbolic of what is happening in the marketplace. I really question whether the system we have set up with respect to markets will mean that our recycling programs and processes are going to be successful. I think they are going to be dismal failures unless we help out with markets. It means a whole new approach to waste disposal, especially in the recycling field. If we do not get some help there, I think we are on a slippery, sliding trail.

I think I should open it up for questions now.

Mr Turnbull: Mr O'Donohue, I think you make some extremely good points. I have to say that I myself am still sitting on the sidelines with respect to incineration and asking myself if it is right or not. I have to be very honest that if there were the prospect of somebody incinerating a product close to my house, I think I would be the first with the NIMBY syndrome. We have to recognize that is built into people. With modern communications, I think people are more aware of these issues and therefore NIMBY has become more of a factor today.

When the discussion of incineration comes up, I suppose the greatest problem is the people that get to you first. If the people who are against incineration get to the uninformed first and get them stirred up, they are going to say, "No, I'm against incinerating." The other group of people,

those who are in favour of it and industrial companies who have an interest in it, will say the technology is absolutely safe. The greatest problem people have in making the decisions is whom to believe, because today we have so many conflicting sets of information. I am beginning to get the impression that yes, there can be clean ways of incinerating, but at the same time I understand the average person on the street being reluctant to believe it is safe. Can you respond to that?

Mr O'Donohue: I think the biggest problem we have is these so-called experts who become sorts of missionaries in their field. They tend to get the headlines. All of a sudden they are given the title of "expert." That is what happened to me. You probably have had some people appearing before you on that. Paul Connett, for example, was one of the people whom I really thought very highly of. I think he has now totally destroyed any faith I had in him.

I had to review personally some of the things he said and go back to the people he was getting the information from. I found that he was completely misusing the information, particularly information from Dr Chris Rappe from Sweden and Dr Bob Theelen from the Netherlands. It takes a lot of time and effort to go through that. These people just use all this information for their own particular goals. It really has nothing to do with science and engineering or what is objective at all. They package it in a sort of showmanship way and all of a sudden the NIMBY thing develops around them and they have that to go on too. Of course it destroys the objectivity of it and really hurts a lot of people.

Mr McClelland: Thank you, Mr O'Donohue, for being here. You are familiar with Professor Jones, the late—not late; he would not want to hear that—formerly at the University of Toronto.

Mr O'Donohue: Yes.

Mr McClelland: I think you did some work with him in the past.

Mr O'Donohue: Yes.

Mr McClelland: He says much of what you say. He was interviewed on W5 recently, on December 29, 1991. I wonder if you might elucidate or expand on some of the things he has said. He has said in part that people who are ruling out options are more interested in propaganda than practical solutions. He hopes there is still time for us to come to common sense in environmental policy. He says this of some of the so-called environmentalists: "So long as they were listening to science, they were a very good group to believe. But they have stopped listening to science now and today I think that they have lost their agenda." He concludes after a fairly lengthy, interesting interview to say, "The null decision made by people who claim to be environmentalists is the worst decision you can make in the environment."

Mr O'Donohue: I would agree with Phil Jones, I think. Phil has probably put his finger right on it. I think we all want to be called "environmentalists." I do not know of anybody who does not. It is a question of, are you more of an environmentalist than I am? It is that sort of thing. It is a totally misused word. Of course, to really be

an expert in the field, I think you have to listen to the views of people and have an open mind.

The problem with a lot of these experts we get right now who call themselves environmentalists is that they have very shallow knowledge. It is like they would read what Dr Connett said or something like that and all of a sudden think they are experts too. I think this is a real tragedy in our system. I think we have gotten away entirely from the idea of being totally objective in the studies we read, putting all the information together and reading it objectively. But I do understand the problem of NIMBY, because I would not want anything built next to my house.

The Chair: Question, Ms Haeck?

Ms Haeck: I am going to defer to Mr Wiseman.

Mr Wiseman: You have talked about your European experiences and so on. Are you aware of the new German government green dot system for reducing packaging, and that part of this system, which was developed by the private sector, rules out the incineration of packaging waste? Have you any thoughts on that?

Mr O'Donohue: As a matter of fact, the amount of paper in garbage is, I think, about 41%. Most of the incineration rotates around that. Plastic is about 6%. But I think we should be pulling out plastic. Packaging is a very select area to be in. It depends entirely on how you want to recycle. I would personally try to pull out as much paper as I could, as much plastic as I could, but I really look at incineration as an alternative way of disposing of material. For example, if organic material or paper goes into a landfill site, it will eventually decompose and produce methane which, if it is allowed to escape naturally, will do far more damage than if it is collected or burned as a carbon.

I feel that packaging, from a visual point of view, is part of the plot to make you buy, being human beings. If you can regulate it and cut down on it, great. But if you are on the other side of the market and you are trying to make people buy something, packaging is a major factor.

I do not really know how you fight that. I just know there are a lot of people working in the system. I know all of us will say we should reduce packaging. I do not know anybody who would say that we should not. So we are caught in that very human area of having to make decisions, and the decisions have been, from my point of view anyway, to try to cut down on packaging with the least possible impact on those who are using packaging and those who are producing it.

If you have to dispose of packaging, recycling is number one, I think, if you can reuse it. But there are a whole lot of factors that go into that. There is the question of energy and remanufacturing and things like that. There is the question of whether it is a non-renewable resource like plastic, a whole lot of things. It is not an easy decision, not an easy decision at all.

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The Chair: Thank you very much for appearing before the committee today, Mr O'Donohue, since you are not appearing as a member of council, but we all know, of course, that you are a member of Toronto city council. If there is additional information over the course of our hearings that

you think would be helpful to the committee, please feel free to communicate with us in writing.

Mr O'Donohue: I did a tour of the Baltics on environment this year, and I would like to leave some copies for the members of the committee.

The Chair: That is fine. If you will just give it to our clerk, I will make sure that all members of committee receive it and it will become part of the public record. Thank you.

MASSIMO STEVEN PANICALI

The Chair: I would like to call next Massimo S. Panicali. I hope I have pronounced your name correctly. Please come forward to introduce yourself to the committee. You have 20 minutes for your presentation, and we would ask you to leave a few minutes for questions from committee members.

Mr Panicali: Madam Chairman, committee members, I would like to thank you all for allowing me this opportunity to speak to you about the concerns I have about this particular piece of legislation.

I begin by saying that I am a resident of the city of Vaughan. I also have a business in Vaughan and have been carrying on this business and residing in Vaughan for six years now. I have been in touch with numerous individuals from the city concerning the environmental issue, the Keele Valley landfill site, and specifically Bill 143 since its introduction. I feel I am suited to give you some feeling for how the public, at least the residents of the city of Vaughan, feel about part III of this particular bill.

I have prepared a synopsis which pretty much outlines what I am going to be dealing with today.

The Chair: Members of the committee have received your synopsis and it will form part of the public record.

Mr Panicali: Thank you. I would like to preface my remarks by saying that I am certainly not a sophisticated individual. I am not an engineer. I do not propose to discuss any alternatives to disposal and I do not propose to discuss any of the legal issues with respect to this particular piece of legislation. Those have all been canvassed by other individuals. I am sure you have heard enough. All I would like to say is that I have reviewed the material that the city of Vaughan and the region of York have presented to you, and I believe it adequately represents the views of the residents of the city of Vaughan. It certainly represents my views, in any event.

I would like to begin by saying that what bothers me most of all about the bill, and specifically about part III, is that when Premier Bob Rae attended at the Keele Valley landfill site, he made certain promises. The residents of Vaughan are used to hearing promises, and they feel that it is time some of these promises are acted upon.

It is with great concern and great disappointment that the city of Vaughan received a copy of Bill 143, which I reviewed along with a bunch of other residents and discovered—in fact I think it is fairly clear—that the Premier intends to break the very promise he made. He said prior to the election that there would be no further expansion of

the Keele Valley landfill site without a full environmental assessment under the Environmental Assessment Act.

The residents of the city of Vaughan found some consolation in the fact that if this New Democratic Party were elected, and it ultimately was elected, the Premier would act fairly, would act reasonably and would undertake an assessment that would give the residents of the city of Vaughan some peace of mind with respect to further expansion. It would allow the residents of Vaughan to input effectively in all matters concerning further expansion.

Part III of that bill, if enacted, would empower the honourable minister, Ruth Grier, in a way that needless to say all the residents find abhorrent. That particular part would abrogate and subvert all environmental legislation now in place, would not allow, on an interim basis at least, the city of Vaughan and the residents of Vaughan to effectively challenge the further interim expansion of the Keele Valley landfill site and in my opinion would represent very, very cruel and unusually severe legislative intervention into personal rights.

It is my feeling that part III of Bill 143 is premature and ill-conceived. The general feeling, I believe, is that statistics presented both by the city of Vaughan and by various other individuals would indicate that present capacity for the Keele Valley landfill site and the Durham landfill site would not reach a level where the types of emergency powers envisaged by part III would have to be implemented. Therefore, in my opinion, part III is premature. At least, the residents of the city of Vaughan believe that this type of legislation, because they perceive it as premature, is an attempt on the part of this particular government to strong-arm the opposition, to show and to flex some political muscle in the chambers and to put it through.

It is of even greater concern to me that such a particularly strongly worded bill would be introduced by the minister and expected to be passed by Christmastime, especially considering that its introduction took place during municipal elections, when many people were not even aware of the fact this particular bill had been introduced. To my way of thinking and to many people I have spoken to, it is completely insensitive.

The minister herself, in speaking to the residents of the city of Vaughan that particular day, when I and some 299 other individuals appeared outside these particular buildings to voice our concerns about this bill, said these powers envisaged by part III possibly would never have to be utilized. Well, then, why pass them, I ask you? Why put them in place?

In my opinion, by passing this particular section of the bill, by getting it into force, the party is in effect deferring the difficult decision of determining interim and long-term landfill sites. Those are difficult issues and I think this party perceives the fact that it will be difficult to make these decisions. It is very convenient to have located sites that already exist and can be utilized on an interim basis. People can say: "The Keele Valley landfill site already exists. Why not have them bear the burden of further dumping? I mean, somebody has got to take our garbage." In effect, that is deferring the important decision-making process of determining an interim landfill site.

I submit that, given the time frame that has been amply illustrated by the various missions of the other organizations that have been before you, this minister should undertake the process of a determination of interim landfill sites if she feels that long-term landfill sites cannot be identified; and once those interim landfill sites have been identified, to bear the burden before the final landfill site is located, a full environmental assessment of those interim sites should be undertaken under the Environmental Assessment Act. Then at least the residents of those particular areas can be satisfied that the minister has done everything she can, everything that is reasonable legislatively and environmentally to satisfy the concerns of the residents of the affected municipalities.

When she has undertaken that, if an emergency arises and if the Environmental Assessment Act process of those interim landfill sites has not been completed, then perhaps at that point it would be appropriate for the minister to introduce legislation of a strong-arm nature. Not until then, in my opinion, is it appropriate to introduce this type of legislation.

The citizens of Vaughan truly resent this legislation. They feel it is an enormous intrusion on their environmental rights. That is the feeling of the city of Vaughan and that is the feeling I bring to you today. It is an intense anger about this piece of legislation. If this particular government wants to pass this legislation and effectively undermine our rights, then I think we have a battle and that is what I want to bring forward.

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Mr Wiseman: I have a number of questions. How much time do I have?

The Chair: You have approximately three minutes.

Mr Wiseman: I can understand your frustration. I come from Durham West, which has on its boundaries 18,000,000 tons of Metro's garbage at Beare Road and approximately 16,000,000 tons of Metro's garbage in the Brock West landfill site. Metro has not really been a good corporate citizen. As a matter of fact, its running of Brock West has been condemned in a report by its own consultants, Conestoga Builders. There is material flying all over the place. At one point some of Brock West slid into Duffin Creek. It is right beside Duffin Creek.

Also, the leachate from the old Maple landfill site is currently being collected through the Keele Valley system and is then being processed slightly less than a mile and a half from where I live. The frustration you feel I guess is felt by my constituents as well, given the global nature of the way the system works. I have spent five or six years of my life working very closely with my citizens to try to get a process in place that will try to alleviate that. It was a very real possibility that Brock West could be expanded, except that it is so poorly managed and such a terrible landfill site, one of the worst in North America, that it just would not have been able to sustain it. It would slide all over the place.

My question has to do with the Interim Waste Authority and the document. I have seen the York-Metro document from the Interim Waste Authority, and I believe the process

of setting out criteria first before you look for a landfill site is a good one. It sort of precludes arbitrarily deciding that you are going to take these five sites and then figure out whether they meet the criteria. Have you read the document and have you any comment on that document?

Mr Panicali: Actually, I can say that I was involved on a preliminary level with Interim Waste Authority. Even during our initial contact with them, before even characterizing or identifying criteria, we were made to believe that the citizens of Vaughan would be given an opportunity for input concerning which criteria should form the actual selection criteria. In fact, I was dismayed to find that the criteria were identified and the report was produced and at least I personally did not have an opportunity for input in the criteria. Once again, we residents of the area feel we have been let down. We feel that representations have been made and have not been fulfilled.

Yes, you are absolutely correct about our frustrations, but the system somehow is not responding to the community's needs. It is not in effect fulfilling its own criteria, so I do not take a great deal of consolation from the fact that criteria have been identified. I just wish we had had an opportunity to examine the criteria and have input as well. I think that was supposed to be the nature of my involvement and other organizations' involvement.

Mrs Fawcett: Just before the election, when Bob Rae promised not to extend the expansion of the Keele Valley without the environmental assessment, did you and the residents you know believe him?

Mr Panicali: I think we definitely did, because it was certainly an important issue to us. We had met on one previous occasion to discuss how significant it was—I believe it was during the clay extraction issue in 1989, in fact—that a full environmental assessment be performed before further clay extraction occurred. I think the honourable minister herself said at that point it would be inappropriate to undertake further extraction until there was a full environmental assessment, so we felt those promises should be kept.

Mrs Fawcett: I am sure you must also have believed this government's promise of an environmental bill of rights, its whole idea of civil liberties and protection of individual rights, and so on. You must be rather disappointed now as you see this bill and the promises broken. It must be, as you have so aptly said here, repugnant and morally reprehensible to have this happen. Do you see any recourse? Do you see anything at all that you can now do?

Mr Panicali: Unfortunately we feel somewhat defenceless. We the residents understand the nature of the political animal. We understand there is a majority government. We understand, if this government is intent upon introducing this form of legislation, that we will be hurt. At that point, in fact, on numerous occasions, when the honourable minister herself has been seen to discuss the bill and we have responded, we have noticed that she is intent on putting forward the bill exactly as it stands and her decision with respect to Part III has not softened.

Yes, we are in fact feeling somewhat defenceless, and as a result I think if this particular government puts

through this legislation, it will not have created friends in the city of Vaughan. To my way of thinking, it will in fact have created enemies and that is not the nature of the political animal.

Mrs Fawcett: You would like them to start all over again.

Mr Panicali: Absolutely, especially with respect to Part III of the bill. As I said, I am not prepared to comment on the other sections, I am not qualified.

Mr Turnbull: I must say I broadly agree with you on your submission. It is very hard not to become political in the questions, because we all saw the carefully scripted press conferences during the election where Bob Rae stood in front of garbage dumps and proclaimed how he was the most environmentally sensitive person who has ever run for office in the world, and we now see this kind of legislation.

I put to you that there is a body of thought—I do not happen to subscribe to it—that, probably because of the NIMBY syndrome, it is better for governments simply to take all powers to themselves and get rid of all the environmental assessment processes and public input and with the dictatorial power go ahead and do the things they believe are necessary. As I say, I do not happen to subscribe to it, but on the other hand we know there is endless stretching of assessment processes. Do you think in light of the situation we now have we should aim for a much more restricted environmental assessment process where you have a very tight schedule, you allow people to input and then it is decided one way or the other?

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Mr Panicali: That would be, in my opinion, a much fairer approach than, as you say, the adoption of very stringent legislative measures that would restrict any form or avenue of appeal, because I feel that nothing is ever black and white.

As far as empirical data is concerned, I have just heard Mr O'Donohue say that as far as he is concerned scientists themselves can be incorrect in putting forward their data, so how can a government intercede and pass legislation that can affect a community without both sides of the picture? I think it was Neville Chamberlain who said there were lies, damn lies and statistics. That is where it is all at; that is what we want to avoid. We want a fair process. Anything other than this is preferable.

The Chair: Thank you very much for coming before the committee today, Mr Panicali. If there is additional information you would like to share with us, please feel free to communicate with us in writing.

Mr Panicali: Thank you very much. I would like to apologize if my language was just a little bit overpowering, but it demonstrates my general feelings on the matter.

The Chair: Your presentation was welcomed by the committee, extremely articulate. I know I speak for all members of the committee when I say we appreciate your concern and we appreciate your coming before the committee today.

PACKAGING ASSOCIATION OF CANADA

The Chair: I would like to call next the Packaging Association of Canada. Please come forward, and begin your presentation by introducing yourselves. You have 20 minutes for your presentation. If you would leave as much time as possible for questions from the committee it would be most appreciated.

Mr Jeffery: Thank you, Madam Chairman and members of the committee for this opportunity. My name is Jeff Jeffery. I am past president of the Packaging Association of Canada. With me this morning is Alan Robinson, our executive director and Larry Dworkin, who represents the association on the national packaging task force.

The association represents the Canadian packaging industry, which employs more than 60,000 people, the majority being in Ontario. Our association and industry have initiated and continue to initiate concrete leadership in the area of waste reduction. More than four years ago our industry faced different potential environmental regulations from each province. If these regulatory regimes had been allowed to proceed, in effect we would have been forced to create different consumer packages for each province. It would have meant economic chaos for our industry.

To avoid this disaster our association met with the then federal Minister of the Environment to create a multi-stakeholder group to help develop standardized national environmental guidelines. This effort resulted in the establishment of the national packaging task force created under the auspices of the Canadian Council of Ministers of the Environment. In turn, the ministers have mandated industry to divert 50% of packaging waste from landfill by the year 2000. However, task force members, including the province of Ontario, also agreed that industry would be allowed to achieve these goals on a voluntary basis.

If industry fails to live up to its commitment, then a series of standardized national guidelines and, if necessary, regulations could be implemented by the provinces. These agreements are the basis for the national packaging protocol. Under the protocol our industry will achieve a 20% waste diversion by the end of 1992. It now appears that we may exceed even our own ambitious targets under the 3Rs: reduce, reuse and recycle. Not only are most industrial organizations voluntarily taking steps to audit and develop the necessary work plans but, most important, these plans have been and are currently being implemented.

The collection and reporting of data is being carried out by Statistics Canada every two years to ensure industry meets its obligation.

The packaging industry also helped create and initiate the Code of Preferred Packaging Practices. This document calls for industry's voluntary compliance in meeting various milestone targets. Rather than regulations, it is the marketplace, from the consumer to the retailer to the manufacturer, that is the driving process.

As the Halifax Herald so rightly reported at the CCME conference, "It is good to see that government is willing to work with industry on this environmental problem, instead of bringing in regulations the public sector cannot afford to enforce and the private sector cannot afford to implement."

It is important to remember that this cooperative effort was issued only four short years ago.

To help achieve a 3Rs program an infrastructure is required, not only to process material but also to help develop necessary markets. To this end, our industry has already invested and continues to invest billions of dollars under very trying economic circumstances.

We are well under way. Since 1989, for example, the number of firms involved in plastics recycling across Canada has jumped from about a dozen to more than 70 by mid-1991. Many of these are recycling post-consumer plastics.

About one year ago there was only one major de-inking plant in Canada to handle the needs of the paper industry. Since then two world-scale operations have opened in Whitby and Thunder Bay at an average estimated cost of \$125 million each. Seven more plants are under construction across Canada. The Canadian printing industry is undertaking wholesale changes to high vegetable content inks. Similar environmentally sound actions are being taken by producers of colourants and adhesives.

Plax Inc, a plastic converter, estimated it will soon produce 25 million containers annually made from a minimum 50% post-consumer plastics.

Alan Robinson will demonstrate how the detergent industry has reduced more than 30,000 tons of boxboard annually which previously went to landfill. Similar actions are being taken by almost every segment of our industry. Major industrial packaging users such as General Motors and major consumer packaging users such as Kraft General Foods are each eliminating more than 20,000 tons of packaging waste annually from landfill.

Smaller firms are also reducing, reusing and recycling proportionately significant amounts of packaging material. When you add the results of these waste diversion efforts, including the industry's contribution through the blue box program, we are on track in meeting Ontario's diversion goals.

It is for this reason that industry is deeply concerned by the province's proposed regulatory measures to be introduced this year with respect to audits and work plans. This program, contained in the province's initiatives paper and to be implemented under Bill 143, contravenes the intent and the spirit of the national protocol. As the Canadian Council of Ministers of the Environment stated in their own communiqué, "The object of the code is to achieve voluntary cooperation and compliance with preferred packaging practices that were developed from CCME's national packaging protocol."

The province of Ontario, as a senior signatory and author of the protocol, participated in the process, which has developed a trust among all stakeholders. To introduce regulations, especially when our industry is meeting all of its obligations on a voluntary basis, not only breaches this trust but also sends out the wrong signals to industry.

The province should abandon this regulatory initiative. Instead, it should encouragingly support the unprecedented multistakeholder success being achieved under the protocol.

We must also point out that by not harmonizing its actions with those of the rest of Canada the province causes industry to face once again the risk of province-

introduced separate regulatory agendas. Since the province is unable to impose its own regulations on firms in other jurisdictions, this further tips the competitive balance in favour of Ontario's competitors in other provinces, the US and beyond. We have requested that the minister provide a cost-benefit analysis of these proposed regulations and the cost of compliance.

In summary, we recognized the need to improve the environment. Then we took the initiative. Then we revolutionized our product. It is important to maintain the momentum that has been created without unnecessary regulatory hardship to industry. We ask the government to give consideration to reaffirming its commitment to the national packaging protocol. We therefore again request that the government strike those regulations relating to audits and work plans contained in subsection 136(6) of the bill. These violate the voluntary nature of the national packaging protocol.

I would now like to call on Alan Robinson, our executive director and coincidentally a former chairman of your committee, to show you concrete examples of the changes taking place in our industry.

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Mr Robinson: You have to have some tests by which to determine your success, no matter what your endeavour is, whether it is here or in industry. We are trying to keep it simple. We are trying to deal with the special interest groups on the environment, industry itself of course, and the entire political agenda of the public sector. But we have two or three different theories now that I think serve us and you well in pursuit of those agendas on behalf of the environment.

First of all, we work from the idea of only loaning packaging materials to consumers. Rather than being a throwaway society which we are more traditionally familiar with, we now have a sense of giving it to them and then getting it back. Probably our most significant sense of giving them less than ever is in trying to put most of our eggs in the reduce R, if that is an appropriate way to describe it. We have also abandoned a notion of cradle to grave in favour of a notion of cradle to cradle which says that a packaging material gets into a cycle. It has a hierarchical notion about it that the first and best use of virgin material will be for food and for types of materials and manufactured goods that have a high public safety component. Those are all very strictly federally regulated. The federal health protection regulations demand new packaging material.

But again, rather than traditionally making use of it once and then throwing it away, we are determined to get it back, because if we can get it back we can use it for non-food packaging purposes. If we get it back from there or from some other things, we can use it for non-packaging-related materials altogether. Most of you on the committee would certainly be familiar with the saga of Superwood, the company that took mixed plastic back, ground it down and turned it out as a lumber substitute.

That company has failed for the moment because there was not sufficient aftermarket for the materials. That aftermarket could have been completely accommodated if the

government of Ontario had only bought all its picnic tables for its provincial parks for one year from that company. That is aftermarket, that is what it is all about, but there are other ways around it as well. In that hierarchy nothing should ever leave the system, and if it does, there should be sufficient provision for other uses for it or for it to be landfilled in a successful way.

I appreciated Councillor O'Donohue's comments this morning. We do not consider incineration, however high-tech, as one of the methods by which we will achieve the 50% diversion by the year 2000. We are looking to do it, as I say, within our own resources of which reduction is the most significant of all, followed of course by reuse and then by recycling. We all know the trammels of the recycling industry at this particular time. It has a very limited but very significant position within the waste management stream, but it is certainly not all-encompassing.

We set out as an industry to produce on a very simple slogan, if you will. That slogan is, "Every R in every aisle," and that refers to a supermarket. If I can, I would like to show you some new packaging which in some ways is very sophisticated and in some ways is very simple, and so I do not step on the Hansard people I will do that before I start.

Every R in every aisle. Something in the supermarket no matter where you go has been considered because of its environmental soundness. Who would have thought you would get yellow pages back as paper towels and the packaging they come in as a reduce? The only thing that prevents more of the content of this from being recycled paper is an absence of more yellow pages or more telephone directories to put into it, but it is certainly a sign of the times.

You all know the saga of grocery bags: those that are reused, those that are recycled, those that are returned. There is no reason why everybody has to have 150 of them hanging in their broom closets now just like my mother does. But it is not enough just to reuse. There have to be whole new methods. This is a brand-new container. You know what? You buy it empty. You pay \$1 and you buy it empty. It is for fresh water. It is sealed. It has a crack-off lid on it. What you do is you accept responsibility for the clean use of this container, rather than the packaging industry. You take it to a vending machine and you fill it with clear, fresh water. You use it and when you are ready to refill it you bring this container back and you refill it from a vending machine. It should never see a waste stream. As long as you accept the liability for it—if you put gasoline in it, then I am sorry, you are probably not going to want to use it for water again. It is one of the reasons why the old three-quart milk container program was unsuccessful at the time: People would take those and drain their lawnmowers into them in the old days.

If we do get it back, even if it is no longer useful as a food product, because it is not brand-new or you have not accepted liability, we can turn it into a non-food container. This container, which you would recognize even without the label as a standard one-litre motor-oil container of a particular brand, is made up of 100% recycled plastic. There is going to come a time very soon, and we talk about it in terms of reusing packaging, when you are going to be able to draw a litre of motor oil from a vendor into this, put

it in your crankcase and then put the container back in your trunk until you need it again. It is already 100% recycled plastic and it is going to be completely reusable.

Other reused and recycled plastic comes back in different ways. You were talking about marketing earlier and whether marketing drives purchase decisions. Of course it does. That is part of it. But here is a way that Spic and Span, a product you all recognize certainly, can maintain its market identity and still be part of recycling and environmentally sound packaging practices. The centre layer of the container—and I will certainly pass this around, as long as I get it back—is now a completely recycled plastic as well. There is a thin yellow layer on the inside, a thin yellow layer on the outside and the centre is made of recycled plastic. It is a laminated container.

When it comes to reducing the amount of packaging that ever goes into the system, of course, there are two significant ways. One is through a program of straight reduction. Everybody complained about how many packages there were around a container of toothpaste. There was an outer box for its shell. Then there was a tube or at least a pump in this case. Then there was a lid. They were all different polymers. As you well know, that has all been replaced by one single packaging unit of the same plastic and base materials available for recycling. The only extraneous material is a safety seal across the throat. That is all you get. It is designed to stand up. Not uncleverly, it is designed to display, of course, the name of the product when it does stand up so you will always remember why you have particularly white teeth when you stare at the container.

The other way of course is through concentration. It took people a while to catch on to the fact that there was a lot of water in some laundry products. This is a concentrate; you have to add the water. We had to break a mindset in consumer's minds that they were tampering with the chemical formula by adding water to a concentrate. They used to say: "If it works fine with the water in, I am not sure I want to take responsibility for putting water in myself. Perhaps it will ruin my wardrobe." Now people have overcome that. It is very prominent in some of the detergent industries. Again, here is a different type of container, also concentrated back into an original container, a larger one which you have saved.

Of course, in the matter of laundry detergent itself, what was once an enormously large boxboard container is now smaller and concentrated. This is actually an award winner from our national packaging competition. The only thing that is not immediately recyclable is the tear-off strip that holds it all together. The hot melt cement that holds this in place, that integrates the whole carton, is contained only in the strip that you pull off and throw away initially. Otherwise, it is as good as virgin board to put back into a paper recycling stream. So not only is it significantly reduced, it is also even more recyclable than it ever was.

Enviropacs, of course, were the pioneers. You are all familiar with them. You know what they do. It is a different type of packaging that goes back into an original container. They store well, stack well and have been designed traditionally, and I am sure they still are, to sell at a price that is

about 15% below what a new, original full-size package would be.

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We estimate through one project alone across Canada—and I liked the comment about statistics earlier, which is why I never use them, and the other two characteristics I will let you decide about. The fact of the matter is that every kid in every school in this country used to get a pot of glue. For those of us who may be a little older, you might recall they were sort of squatty and the glue was kind of grey and creamy. It had a rubber stopper on it and a little bristle on the end. When you used it up, you threw it away and you got a new glue pot in school. Now the company that supplies a lot of that glue sends a whole kit into the school. It sends in a number of these containers which happen to be filled. It sends in some larger containers that would be what you might call classroom size. Then it sends in a bulk container to be stored somewhere in the school and, one by one, the refilling, reuse, the process of packaging continues through the system. When this is empty, the classroom refill is used to replenish the stock. If the one in the classroom starts to drain down, it is taken back to a central location within the school and refilled. Once again, we think that a million glue containers a year will not reach the solid waste stream through that one project alone.

But all of these things do not come without some price tag and without some choices. We used to talk about Coke bottles as being thick glasses, thick eye wear. This is a replication, by the way; it is not an original. But you would know from looking at these, again some years ago, that they might have three quarters of an inch of glass in the bottom. That is not a particularly good example, as I say, because of the replication. There are thousands of tons of glass now not used every year in a lightweight container used by Kraft General Foods Canada across North America. That one happens to be for a Miracle Whip Light brand that you recognize thoroughly as well.

Even things that used to be of different types of packaging materials are now one. This used to be what was called a spirally wound container. There used to be metal in it. There used to be paper. There used to be plastic. Now it is one single polymer. Again, if you can stretch your thinking a little bit, it could be refilled. There is certainly nothing wrong with the container after it has been used only once. It is available to go immediately into a plastic recycling stream and to be sorted out and put back into good and purposeful life yet a second time.

We hear a lot about thin-walling as a technique both of reduction and of course materials available for recycling. There is still more metal in that soup can than in that soft drink container. One of the choices you have to make has to do with the product inside. If you drop this even lightly, you will put a significant dent in that can. What happens to that can once it has a dent in it? Even if you do it, it goes back on the shelf: "I will get one that does not have a dent in it, thank you very much." I do not know why, it is just our consumer attitude towards it. But you cannot put a dent into a container like this when it is full because the carbonation of the beverage inside maintains the structural

strength and integrity of the package as a whole so there can be less metal and metal of a different kind as well.

People always complain about overpackaging and blister packaging. I know it is one of everybody's pet peeves. I have to hasten to point out two things to you. First of all, it is not a packaging system; it is a marketing system. It was an attempt by retailers in the 1970s and the early 1980s to have less service staff in their stores and more flexible, more visible retail displays. They were very successful, except that—

The Chair: I would like to thank you very much for your presentation this morning. You know as a former member of the Legislature and as a former member of the committee how important the Chairman's job is to ensure the committee stays on time. I am going to allow members of the committee to place their questions on the record and to ask if you would respond in writing so that we may hear further presentations.

Mr McClelland, do you have a question for the record?

Mr McClelland: You might have heard, I would think, had you the opportunity of questions being put to you, "If you are ahead of your targets, why worry?" You said on page 2: "We are well ahead of the protocol. Why worry?" I would like your response to that in terms of the certainty required for business and the investment climate and also in terms of the impact that the "Why worry?" question may have on foreign competition.

The other question would be, how much money, what has been the capital investment of your association and your members in terms of recyclable materials in changing the packaging component of many of the products that you have here today?

Mrs Mathysen: Thank you for the presentation. I must say, though, that I must disagree in part. On page 6, you state that—

The Chair: You must place your question.

Mrs Mathysen: I am putting my question on the record. It states that the proposed regulations in the initiatives paper violate national packaging protocol. Actually my question is to the representatives from the waste reduction office. I wonder if they could explain the national packaging protocol to the committee to clarify that for us.

Mr Cousens: I would like you to give evidence of the point made on page 6 which indicates that Ontario is sending out the wrong signals to industry leaders based on the fact that ministry staff said they were in line with the federal guidelines for packaging. The feeling now from the industry is that the ministry is moving in a path different from what the industry accepts. The incongruity of the two views leads me to believe there is reason to doubt what is being said by one of the parties. If you could give evidence of that, it would be very helpful.

Mr Martin: You mentioned in your brief that many small companies are now doing the 3Rs: reducing, recycling and reusing. You raised the concern about audits. Do you not think there is some instance where audits might be helpful to small industry in pointing out to them the ways they might do that more effectively and therefore be more competitive?

The Chair: The questions that have been placed on the record the clerk will make available to you in writing. We would appreciate it if you would respond to the committee in writing. If we receive the answers prior to February 14, they will become part of the public record. If not, they will be circulated and all members will be able to have a response from you which they can consider part of the deliberations.

We very much appreciate your appearing. I would like to make a special welcome and acknowledge the former member of the Legislature, Mr Robinson and say how much we appreciate your appearing before the committee today.

LYN MacMILLAN

The Chair: I would like to call next Lyn MacMillan. I would ask you to come forward and introduce yourself to the committee. You have 20 minutes for your presentation. We would appreciate it if you would leave some time for questions from members of the committee.

Mrs MacMillan: Yes, I will.

The Chair: You have seen our procedure. At the end, I will ask members of the committee to place any questions they might have on the record, and if you are able to answer in writing we would appreciate it. That is just in case we run out of time.

Before members leave, I would like to point out how important it is, Mr Turnbull and Mr Cousens, that we start promptly. We have run a little late over the lunch hour. I think it would be helpful if each caucus made sure it had a member here so the hearings could start on time. That did not happen this morning and it is important that we not keep our presenters waiting.

Mrs MacMillan: My name is Lyn MacMillan. I am co-owner with my husband, Dr. Robert MacMillan, of a 160-acre farm immediately southeast of the Keele Valley landfill site. I see this malodorous dump every day from my farm gate. Our farm has been in the MacMillan family since 1935. Four generations of our family have enjoyed the property and cherished it, and it is still actively farmed.

I have been involved in garbage for many years: four years at the original Keele Valley hearings, then on the liaison committee writing submissions, having discussions, attending demonstrations, and I also served on the original government Solid Waste Task Force in 1974. I support most sections of part IV of this bill, except section 26, which I will deal with later. My critical comments concern mainly parts II and III of Bill 143.

Part II, as we all know, applies to three specific sites: one in Peel, one in Durham and one in York or Metro. Why does this bill seek to emasculate the Environmental Assessment Act and just pick out the bits it likes and remove others that might ask a few sensitive questions? For instance, the bill states that an environmental assessment is not required to contain any description of or statement for the rationale of alternatives, such as incineration or transportation of wastes—by rail haul presumably, but we do not know because these questions are not allowed to be raised. Why not? Why close the door on alternatives when we are desperately looking for solutions?

What reasons does the minister give for such arbitrary decisions? All I have heard is that she is against them, that this is provincial policy, and that is that. I can hardly believe it is the same Ruth Grier who was the champion of an environmental bill of rights, of partnership, of public consultation, of open government and of the right to public hearings.

I gather I am not alone in my bewilderment. On 9 October 1991, Metro council appointed a task force on solid waste disposal alternatives as it applies to incineration. Let us please give this task force a chance to show us some of the facts and to get some decent public discussions opened up. Until then, this arbitrary section of part II should be withdrawn and full environmental assessments should apply.

1220

The only reason I have heard Mrs Grier give against rail haul is that to haul garbage to a distant site is unthinkable. Why? It should be equally unthinkable to keep sending it into Maple and piling it higher and higher. Why is that not unthinkable? Where are her arguments, her documentation and evidence?

She is very busy building a wall around her policies and assumptions, and I think it does her accountability great discredit. Walls have a way of falling down and bringing their architects with them. We just have to remember Jericho and Berlin. Full environmental assessment requirements should be necessary for all new sites, not just the bits and pieces that suit her policies, which no one is allowed to challenge. This is the first change that I would recommend to Bill 143.

Part III: Now, this is very close to home, this part, because here we have examples of broken promises, of not honouring previous agreements, of denying the public the right to a hearing under the Environmental Protection Act, of exemptions from the Municipal Act, the Planning Act, the Ontario Municipal Board Act, all done so that the Ministry of the Environment can hand Metropolitan Toronto an extension to the Keele Valley landfill site in Maple on a platter without any strings attached. They can say: "Here is Maple: Fill it up and then go higher. No one will be able to stop you. Best of luck." So much for trust.

Premier Rae came to Maple before the election. He stood with us on the edge of this enormous, horrendous mass of putrefying garbage right in the heart of our town—it is not somewhere remote; it is right in the heart of our town—and he told us, he promised us that there would never be an extension without a full environmental assessment hearing if he was elected. What hypocrisy.

Part III in the bill says, in subsection 17(3), that Metropolitan Toronto "shall, maintain, operate, improve, extend, enlarge and alter the waste management system consisting of the Keele Valley waste disposal site..." Then along come the regulations: the Environmental Assessment Act does not apply; Metro would not have to abide by agreements with any municipalities; if Metro has to contravene the Planning Act, forget it—let it; the Municipal Act does not apply.

The director—a civil servant in the ministry—will issue or amend a certificate of approval, then send out

notices to the municipality and the public who can send in submissions. But the director will only be required to look at them, and then he decides whether or not a hearing is required. It is ridiculous. There will be no mandatory hearing. This is all left up to his discretionary powers. The director is not required to give any further notice in respect to any decisions he makes, hence the public is not entitled to see the reasons for the decisions nor the documentation that led to those decisions, to appeal them, or to be assured of a hearing.

This is the most hostile attitude towards the public that I have encountered in my very long association with the hearing process, and I have faced many hostilities. It is as bad as Project X. I am sure we all remember that misbegotten attempt by the Liberal government to undermine the environmental planning process of this province.

Part III must not be allowed; it must be amended.

Why has Maple been chosen to bear the societal ills of waste disposal in Ontario? We have done it for 10 years. Now we have no option but to continue to serve an additional jail sentence. We have done nothing to deserve this. It is not a NIMBY reaction—not in my backyard—because we already have it here. We have had it here for 10 years. It is in our front yard looking at us, hovering over us, spilling its filthy paper and refuse from the back of its huge trucks, filling our roads with dust, noise and traffic.

We are a green and lovely area. We are proud of our landscape, of our Oak Ridges moraine, because, you know, the Keele Valley is smack in the Oak Ridges moraine. People think it is somewhere remote; it is not. I do not know if any of you have been there, but you should come and have a look at it. We love our woodlots, our streams, which rise in the area of the gravel pit, our ponds and our wetlands. We love our natural and historical heritage. We treasure our quiet lifestyles and our gorgeous, rich fields of crops. We are fighting to defend our right to be heard, to be considered in fact, and—nobody has ever thought of it—to be thanked for what we have done, not to be punished by further hostile and uncharitable legislation.

Let us have a fair chance to fight back, to try to raise the social and moral conscience that must be dormant even in the hardest hard-liners among those who seem to be in charge at the ministry and the government at this moment. I believe even Metro is asking for a hearing under the EPA, so I am not alone.

Part IV, order 26, amendment to the EPA, repeal of section 29: Now, this gives enormous powers to the director to order any municipality to do a large number of things, including operating a waste disposal site. The public does not seem to have any say in this process and cannot object or ask for a hearing. This is a very, very dangerous precedent, I think, and should not be approved.

Finally, to sum up. Here is an example of a government with a blind faith in regulations, one which gives discretionary powers to the Ministry of the Environment, the director and Metro, a government that endorses openly the Big Brother concept, a government that breaks promises, plays dirty by pushing people around, although all this conflicts with their so-called platform that we listened to

very carefully before the election. This is bound to create a blatant lack of credibility for the NDP.

I am going to close by giving a further example: the question of refillable soft drink bottles. In Mrs Grier's speech, October 1990 at the Recycling Council of Ontario's annual conference in Windsor, she told the soft drink industry in no uncertain terms that it had to clean up its act and obey the regulations concerning the quota of refillable bottles in the stores. Remember, here we have the perfect built-in recycling system that demonstrably reduces the volume of waste. It is a built-in system. She warned the industry that if it did not do so, she would have to prosecute. She gave them until April 1991. Since then, nothing. It was all vain threats, just a joke.

Here we have a government supposedly wedded to regulations to solve our problems which cannot even enforce an existing regulation. How can you expect us to believe the government, support it, or even vote for it? I think Bill 143 is a grave disappointment and disillusionment.

The Chair: Thank you very much for your presentation. Mr McClelland, a question? You have two minutes.

Mr McClelland: Mrs MacMillan, thank you for being here. Your reputation is well known as an activist. I may put a question to you. Please feel free not to answer it if you feel it inappropriate. You have not acted politically in the past?

Mrs MacMillan: Have I acted politically?

Mr McClelland: Have you been active politically in the past?

Mrs MacMillan: Not for a political party, no.

Mr McClelland: You have been quite active as a community advocate in terms of environmental inequities?

Mrs MacMillan: Yes, I have fought for the environment now for about 35 years.

Mr McClelland: May I be safe in saying, and please qualify me if appropriate, that you had some considerable hope with the election of the New Democratic Party—I am not suggesting you are partisan—in terms of the promise for an environmental bill of rights, a promise in terms of the things you have outlined so well in your brief, the commitment to open government, the commitment to public hearings; and then you end up by saying that this is the most hostile attitude towards the public that you can imagine, a government that breaks its promises and plays dirty. Is that a fair assumption to make?

Mrs MacMillan: Yes, it is. Yes, I felt that. I voted for the NDP. I have never voted socialist before. I come from a Liberal background. My grandfather was a Liberal Prime Minister of Great Britain. I am a Liberal from my mother's milk. But I voted this time for the NDP because I had great faith in Mrs Grier and I felt she had done a great deal for the Niagara Escarpment. I liked the way she spoke in the House. I followed her very closely, and I was very pleased to hear Premier Rae, when he came to Maple, saying, "We'll never allow this." He was most friendly to us. So when someone does this, it is a betrayal. I am not going to put up with it. I mean, I shall have to put up with it, I

suppose, but I am going to speak out against things like this. I think we all should.

Mrs Mathysen: Thank you, Mrs MacMillan. As parliamentary assistant to the Minister of the Environment, I have been out to Keele Valley. I noted a great deal had been done in terms of litter control and management. I noted that you were a member of the Keele Valley liaison committee. I was wondering how your committee has managed to achieve input into the running of Keele Valley. I assume you have.

Mrs MacMillan: It has been an uphill struggle. I had to go out and collect the garbage from in front of my property. I had to go on the air. I begged and pleaded with people at the Keele Valley site to come and do some cleaning up. I do not think they believed me. So finally I had to really do it myself. It was hard work. It took three years, really, before they believed there was a problem. I had to take pictures and show them all the stuff that came off the trucks. Finally, after a lot of hard work, we did manage to get some improvements. I am glad to say it has improved, but I can tell you I worked extremely hard to get that. So did everybody else.

I do not find the liaison committee particularly good. For one thing, we have to be very careful with our minutes. Metro does not like us having full minutes in case something Metro says might get into a hearing. To me, it is a very feeble committee in some ways, because we cannot really ask too many questions. We try. I certainly try and I work very hard at it. I am glad there is a liaison committee. I must say the litter has improved, but only because the public has been out there banging on doors and having to go on the air. We had to put up a big fight to get them to realize that it was extremely distressing to have to clean up this mess in front of our property.

1230

Mr Cousens: I am taken by your presentation. There are two points I want to make. Were you there when Mr Rae made his statement?

Mrs MacMillan: No, I was not there, but all my friends were. We all got together afterwards and discussed it at the Vaughan CARES group, which I belong to. We were thrilled with that and it was in all the papers.

Mr Cousens: Tell me what you think he said.

Mrs MacMillan: I thought he said, "I will never allow an enlargement of this site without a full environmental hearing under the Environmental Assessment Act."

Mr Cousens: Was this during the provincial election?

Mrs MacMillan: Yes, when he came up to talk to us. It was in all our papers. It got a tremendous press. We are just desperate for help, so that everything that tries to give us some hope is well publicized. We were delighted to hear him say that.

Mr Cousens: The problem I have is that I cannot get anyone here at Queen's Park to remember what he said and that he said it. I am not allowed to use words like "liar" or "hypocrisy." It is against parliamentary language. I just need more evidence of it, because people are writing this kind of thing in the papers now on Mr Rae, who has

totally lost it on this kind of issue. Are you aware that Mrs Grier has announced there may not even be hearings for the expansion of Keele Valley?

Mrs MacMillan: When did she announce that?

Mr Cousens: In her opening presentation to this committee.

Mrs Mathysen: She did not.

Mr Cousens: "There may not be time for hearings." If you are saying there is not, are you calling me something, Mrs Mathysen?

The Chair: Order.

Mr Cousens: She interrupted. Come on, the fact is that minister came into this committee and said there may not even be an opportunity for hearings. What an extreme that is from the kind of statement Mr Rae made.

The Chair: I have a request from the parliamentary assistant to clarify on this matter. It might be helpful, Mr Cousens.

Mr O'Connor: Thank you for raising it again, Mr Cousens, and thank you for coming, Mrs MacMillan. The minister shares a lot of concerns that the people of Vaughan have around the Keele Valley site. There is a whole series of studies that have to be done, and what the minister said in this committee room was that if there is time she is committed to hearings happening.

Mr Cousens: And if there is not time, then there will not be hearings. That is the extreme opposite of what was guaranteed by the then candidate for the leadership running for election.

The Chair: You will have the floor in a moment, Mr Cousens, to respond. Do you want to finish your statement, Mr O'Connor?

Mr O'Connor: She said she was committed, that if there was time there would be some hearings. Some of the deputations, perhaps when York and Vaughan were here, seemed to think there was going to be a long period of time before the site reached capacity. Perhaps then there will be time. That optimism can still be there for us to look forward to.

The Chair: Thank you for your clarification, Mr O'Connor.

Mr McClelland: That is why people voted for you.

The Chair: Mr Cousens, you have the floor. Mr McClelland, you do not have the floor.

Mr Cousens: I will just pass to Mrs MacMillan. You must understand the kind of suffering we go through at Queen's Park when you have heard what you just heard.

Mrs MacMillan: Yes, I have never heard anything so absurd in my life. "Perhaps there will be a hearing." "If there is enough time." Of course there is enough time. Get on with it. Why waste time? Come up there and have a hearing. We can get through with it. We have lots we want to say at a hearing. We have plenty of evidence that this should not be done. Why should you interfere with our landscape? Who said you could put it much higher? What right have you? Come and talk to us. We will tell you. This is a waste of time then. If you are short of time, come on

up and have a hearing in Maple tomorrow. We will be ready for you. You are afraid of a hearing.

The Chair: A number of members would like to put questions on the record. You have been here for the hearing process. This is to allow them to place their questions and then ask you to respond in writing.

Mrs MacMillan: Yes, I understand. Do I have to take notes?

The Chair: No, you do not have to take notes. The clerk will provide you with a copy of the questions. For the record, Mrs Mathysen.

Mrs Mathysen: Yes, I would like to place a question on the record. In your presentation you said the minister's decision to prohibit transportation and incineration was arbitrary. We have heard from several deputants that incineration is extremely dangerous and that transportation is wasteful. I wondered if you had followed the presentations made to us and would care to comment on the kinds of presentations we have heard from other environmental groups.

Mrs MacMillan: I will have to read them. I do not know what evidence they brought before you. I have no idea. They may just be statements.

The Chair: You are not required to respond to the questions that are asked. If you can, that is fine.

Mrs MacMillan: I cannot respond to that.

The Chair: I have Mr McClelland and then Mr Cousens.

Mr McClelland: I do not know if you are in a position to speak on behalf of Vaughan CARES or any

ratepayers' association, but was there a public commitment of any ratepayers' group or organization, a public position taken with respect to supporting the government of the day in reliance upon its promises made?

The Chair: Mr Cousens, for the record.

Mr Cousens: Would it be possible to have an affidavit signed by people who witnessed the statements made by Mr Rae as he was within spitting distance from a landfill site?

The Chair: Thank you very much, Mrs MacMillan. We appreciate your appearing before the committee today. The clerk will make those questions available to you. I am sure you realize that if there is additional information or anything you would like to share with the committee, you may do so with us in writing over the course of our hearings. If it is received before February 14, it will become part of the public record. After that, it will just be shared with committee members. We do appreciate your coming before the committee and taking the time to share your views with us today.

I would like to remind all members of the committee how important it is to have a member of each caucus here at the start of committee time, so that we do not keep deputants waiting. A quorum is constituted when we have one member from each caucus, unless the subcommittee authorizes otherwise. The standing committee on social development will reconvene at 2 o'clock this afternoon. We stand in recess.

The committee recessed at 1238.

AFTERNOON SITTING

The committee resumed at 1403.

REGIONAL MUNICIPALITY OF DURHAM

The Chair: The standing committee on social development is now in session. I would like to welcome the regional chairman, regional municipality of Durham. Please begin your presentation now. You have a full hour. We would appreciate it if you would leave as much time as possible for questions from members of the committee. It is nice to have you here today.

Mr Herrema: I would like to introduce the people surrounding us who have been very actively involved in matters that relate to handling waste management and recycling in the region of Durham: the mayor of Brock, Mr Don Hadden, who is chairman of our finance and administrative committee; Mr John Aker, who is totally in tune with what goes on in all aspects of waste, and Mr Vik Silgailis, the commissioner of works for the regional municipality of Durham.

I should indicate that we will not be reading this word for word. We will indicate some of the concerns we have regarding the bill. This was prepared before we saw some of the amendments that have been brought in. We will be making comments on that and we will have some comments that relate to the concern of the bill, so I will start on some of it.

The regional municipality of Durham appreciates this opportunity to be here today regarding Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act. As I indicated, we did not know that some changes were going to be made. Fundamentally Bill 143 amounts to a redefinition of roles and responsibilities between the province and the municipalities without full consultation and in isolation from other initiatives currently under way. It addresses both the immediate and long-term waste management issues both in the greater Toronto area and beyond, given its significance to the region of Durham. It is important that the Minister of the Environment and the standing committee on social development seriously consider some of the concerns raised in our submission.

The region has three major areas of concern. The immediate concern relates to part III, dealing with the implementation of the minister's report ordering Durham to build one or more transfer stations. Given that the life of Brock West, which is in Pickering, has been extended, and that Durham may be able to use Metro Toronto's Scarborough transfer station, the region feels the minister's report to Durham should be rescinded. It was not an order, only a report that has been sent to us at this stage, and there has been some discussion, I should indicate.

Second, the minister has taken no responsibility under Bill 143 for the financial impact of the bill on municipalities. There is a general lack of information and direction respecting who is responsible for financing the requirements set out in the bill, who will pay for the activities of the Interim Waste Authority and how it will be accomplished.

Third, there are broader concerns regarding the increased authority delegated to the province in part IV, Amendments to the Environmental Protection Act.

The region's submission will expand upon these areas of concern and provide specific recommendations.

Of primary importance to the region is the minister's report ordering the region to build one or more transfer stations. This submission outlines the events that have occurred since the minister's report was issued in August 1991. Specifically, new information suggests that the Brock West landfill site will close later than expected, putting into question the need to implement the actions of the minister's report. Consequently the Durham region is of the opinion that the minister's report is no longer necessary and should be rescinded.

To provide a context to the region of Durham's response, it is necessary to review the events that have occurred over the last several years in the GTA regarding waste management. Following the background, we provide some detailed comments and recommendations mirroring the structure of Bill 143. A summary of the recommendations is also provided in the brief we have.

The changes in the rules governing waste management and the lack of consultation respecting these changes over the last two years is of great concern to the region of Durham. It is becoming increasingly difficult for the region of Durham to plan for both the operational aspects and the financial aspects of waste management.

The region was an active member of the Solid Waste Interim Steering Committee, SWISC, and in 1990 the region had secured both short- and long-term solutions to Durham's garbage problem. A waste management agreement was signed with Metro Toronto on the development and operation of a new disposal site in Durham and the region initiated a long-term waste management master plan.

However, the rules changed in November 1990 when the Minister of the Environment assumed control over waste management in the GTA. The region is still trying to cope with the fallout resulting from this change, including the loss of approximately \$4 million that we had spent on P1, which was the Whitevale landfill site, and the master plan projects that have been abandoned with the minister's announcement in 1990 and the need to negotiate a new waste management agreement with Metropolitan Toronto. We are tied in with Metro and have been for a number of years, assisting each other with the handling of waste management in our communities.

We are in a serious dispute with Metro Toronto over the amount of the residential rebate. There is some discussion that we are carrying on briefly with Metro. They are matters you can read about, but if there is not something equitable, we will not be able to finance the 3Rs programs we are attempting to carry out to reduce the amount of garbage going to landfill sites at present. The brief is attached there too.

Bill 143 represents yet another change in waste management requirements the region must follow. It continues

to place waste management outside the region's control, yet the region is expected to absorb the financial liabilities that result from these decisions. This is an intolerable situation.

Interim Waste Authority, part I: This part gives authority to the IWA to enter lands, do inspections and expropriate land for the purposes of establishing the three landfill sites in the GTA, without looking outside to see if there are other options. Some of us have been indicating that when there is a willing host such as Kirkland Lake, we should take a look to see if it can be of better benefit to the environment rather than just look to politics.

The province has yet to clarify the extent of the IWA's involvement in future landfill sites. There exists uncertainty as to who will operate the sites and how the activities of the IWA, including the cost of establishing the sites, will be financed. Further, it is not clear who will absorb this potentially large financial liability. This uncertainty is making it extremely difficult for the region of Durham to plan for future waste management.

Recommendation 1: That the bill specify that the role of the IWA is to search, select and establish landfill sites in the GTA only and that its role will not be to operate future landfill sites.

We will answer questions later on that matter should you so wish.

Recommendation 2: That the financing of the IWA's activities, including the costs of establishing the future landfill site, be explicitly stated and explained in the bill.

We have no idea whether it is going to be \$100 million or \$200 million or what the cost will be and how it is going to be paid for, although we certainly have some suspicions and those really give us cause for concern.

Siting of waste disposal sites, part II: This section limits the area of search for waste disposal sites to the GTA, one of which is located in the region of Durham, and specifies the requirements for an environmental assessment of the sites.

Section 13 specifies that the Ministry of the Environment provide the IWA with written estimates of future waste generation incorporating the efforts of reduction and recycling. There is no mention of consultation with the municipalities respecting the determination of the estimates. The region of Durham is concerned that the estimates provided by the Ministry of the Environment may be more optimistic and may reflect the desired objectives of the ministry rather than realistic estimates. Consequently it is important that the municipalities have an active role in developing these estimates.

Recommendation 3: That the Ministry of the Environment's estimates for waste generation used to determine the future capacity of the landfill site be viewed as one input into the process and that the IWA be required to consult fully with applicable municipalities prior to accepting the MOE estimates.

Implementation of the minister's report, part III: This part deals with implementing the requirements of the minister's report.

Since the region of Durham first received the minister's report, there have been a number of events that alter the circumstances that initiated the minister's requirements. First of all, the available capacity situation for landfill sites

is not as urgent as originally believed. The latest information from Metro Toronto indicates that the closure of Brock West is not imminent. It is now expected that Brock West, which is in Pickering, by the way, may be open until 1994 or 1996. This new information belies a need for immediate and drastic solutions, such as spending an estimated \$50 million for a temporary transfer station in the region of Durham.

The region has been actively pursuing alternatives with Metropolitan Toronto and feels that an agreement for Durham to use Metro's Scarborough transfer station when Brock West is closed is near. Mr. Aker will probably outline, when we visit that site, why we believe we could come to an accommodation.

1410

Staff of the region of Durham and Metro met on November 18, 1991, and again on December 13, 1991, to discuss the alternatives to the minister's report and other outstanding financial matters between the two parties. The region is encouraged by the positive response from Metro staff respecting the use of the Scarborough station. On January 13, 1992, Durham region requested Metro in writing to allow Durham to use the Scarborough transfer station and to transport waste to Keele Valley when Brock West closes.

The region also met with ministry staff on several occasions in October 1991 and with the Minister of the Environment on October 18, 1991, to explain our position and to request additional time to explore options. The minister's response of December 10 indicated a willingness to discuss other options.

The region of Durham therefore recommends that the minister's report requiring the region to build one or more transfer stations be rescinded and that this section related to the minister's report be deleted. I wonder if you wish to expand, Councillor Aker, on that matter.

Mr Aker: The good news is that the expectancy on Brock West, which is in the region of Durham but is owned and operated by Metro Toronto, now is to close it at the minimum in 1994 and at the maximum in 1996, which is, to us, excellent news.

First of all, we have a very good working relationship with Metro, because often in the area of waste disposal Metro needs the region of Durham and we need Metro. We believe that at the closure of Brock West we will be able to work out an agreement with Metro to use its Scarborough transfer station. We as a committee visited the station recently. It certainly has the excess capacity to take on a municipality the size of Durham region and we think that transfer station would provide us with the gap time until the IWA situates a landfill site in Durham region.

Mr Herrema: Amendments to the EPA, part IV: The region of Durham has not addressed all the specific issues contained in part IV of Bill 143 because we feel strongly that this entire section should be deferred and dealt with in concert with the Ministry of the Environment and the Ministry of Municipal Affairs' paper on statutory authority dealing with waste management roles and responsibilities for municipalities, which is to be released in 1992.

The region has three key concerns relating to the proposed amendments to the EPA contained in part IV of Bill 143. First, provincial responsibilities will be broadened and will encroach on the traditional roles and responsibilities of municipalities. The one about the director, I understand, has been taken out so I can delete that one. Finally, the concern is that this broadening of provincial powers and the manner in which it is unilaterally adopted without consulting municipalities could be extended to other areas of municipal responsibility.

The broadening of the definition of "waste management system" to include "arrangements" is also a concern of the region of Durham. This term is too broad and could likely include arrangements such as contracting out services. The matter of contracts should not require approval under the EPA. If we want to have someone truck our waste from a central area to somewhere else, we believe we should be able to enter into that as long as they have a licence under which to operate, rather than be forced to get approval again, which will just delay it and cost more time, in other words, generally build up more garbage.

Recommendation 6: That the definition of "waste management system" in part IV, section 24, be amended by deleting "arrangements."

Subsection 23(2) now grants the minister power to "establish and operate, use, alter, enlarge and extend waste management systems or waste disposal sites." The purpose of granting the minister these rights represents an intrusion into the traditional role of operation of waste management by municipalities. It also creates uncertainty as it is not known whether the intent of the section is to give the authority to the Interim Waste Authority to operate future landfill sites in the GTA. We are concerned that it is vague and we are not sure whether it is just the GTA or overall. It sets a precedent for going into other areas outside the GTA.

Section 33 broadens the province's scope for making regulations relating to waste management. Currently the minister can prescribe "standards for waste management systems and for the location, maintenance and operation of waste disposal sites." Under Bill 143, the province is not only telling municipalities what to regulate, but how the municipalities must implement these regulations. The province would have the authority to prescribe requirements relating to planning, siting and buffer zones; public notification and consultation; operation, maintenance and monitoring of facilities; type of record-keeping and submission of reports to the director, and the discontinuance and closure of the system.

We have a lot of experience in operating landfill sites and we feel this goes into detail such that we will have to go not only by the rules but also by the regulations. The rules we understand, but these are regulations going into detailed bookkeeping and maintenance of the facility that we believe should be identified by the rules and not by the regulations that are also added.

Section 33 also gives the province the ability to direct municipal planning for waste management systems, again potentially limiting the planning functions at the municipal level.

Section 33 is an encroachment on the region's financial management and planning processes. Giving the province the authority to prescribe requirements for planning, zoning and buffer zones intrudes upon the responsibility of local municipal and regional planning. These requirements are unnecessary given the region of Durham's official plan and the zoning bylaws of our area municipalities. The region strongly opposes that. We had to go through a great deal of work on the official plan on which we have just consulted the public by having 10 public meetings in the region of Durham. Waste management had to be in our official plan or we could not have it adopted. We have done that, as we were at the same time working on a master plan. We have since ceased and desisted on that, as the minister took over the authority.

It is not clear what role would be left for a municipality to play if all these amendments were passed. The province would be involved in implementation, operation and program areas that are traditionally our responsibility. These amendments transfer control from the municipal level to the provincial level and further blur the distinction between municipal and provincial roles and responsibilities.

Further, the region is concerned that this extension of provincial authority may be applied to other areas.

With the changes that were made, we can eliminate the item on the new section 29 of the act. I commend the changes that were introduced to you. It is no longer going on.

Lack of consideration of financial issues in the bill: In general, the ministry has failed to address the financial implications for the municipalities of this bill. This creates a great deal of uncertainty, as it is not known which level of government will be responsible for financing the requirements contained in the bill. Further, it represents a financial liability to the region of Durham of unknown magnitude.

Some time back, it did not matter to the public what we did or what we spent when it came to waste management. I have to assure you it matters very much to the public how we spend it, what we spend it for, and in what detail. It has been, I would say, a 200-degree change. At one time people were coming to us and asking us to spend money, to never mind what it cost, to just do it if it related to anything to do with the word "environment." They have come to us and said, "Identify how it assists the environment before you go spending that kind of money." I think that with this there is a large hole they could drive through that we cannot identify. The ministry or a staff person or anyone who is a consultant to them can go on without being concerned about the costs, as they may well be dropped back on the local municipality in the long run.

There is another aspect: Does that impeach our credit rating? What effect could it have on that? We know there is one; we heard a little bit. Some of us were at a place called the lock-up the other day and we know a little bit about credit rating and financial responsibility. We are very concerned that this will have such a magnitude that it may be the minister can do things through this act that will affect us financially and affect our credit rating.

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I assure you that our residents, especially in rural areas, are afraid there might be a landfill site. People in the towns

are concerned about dollars and they are not quite as concerned about landfill sites, but when you live in a rural area you get pretty doggone concerned where this thing is going to go. They keep hearing a rumour that there are sites, and they sit there hoping they are not at one of the sites. We are fully aware of what will happen and we have invited the minister out when they identify the sites, to go through what some people who are in this room witnessed one time, what we went through. I think Mr Wiseman, MPP, will know all about that one.

It is impossible to make informed decisions regarding waste management and Bill 143 in particular without a full understanding of the financial implications of meeting the minister's requirements. Financial issues are being divorced from the regulation-making process. The ministry has continued to develop regulations and policies even though it has not yet released its initiatives paper on who pays for waste management. This situation is not acceptable to the region of Durham. Last year we had a deficit of \$4.5 million in our blue box program, which should indicate to you that it certainly is becoming a very expensive issue. It is very necessary, but as the markets have not been developed and the programs have not been refined, the financial aspects of it are becoming very onerous on the residents of our area.

Recommendation 7: That the Minister of the Environment address the financial impact on municipalities of meeting the provisions of Bill 143 and defer part IV until the minister's paper on who pays is released. I do not know whether Mayor Hadden, the chairman of our finance committee, wants to comment on that.

Mr Hadden: On the whole issue of financing, particularly in the area of waste management, which I guess is near and dear to many in terms of the 3Rs program, if really have been financed by our tipping fees and the rebates we have received from Metro Toronto. Under this whole restructuring process, we are not sure where these funds would flow from, and they would become a direct cost to our budget. It would be a level of cost that we would have great difficulty in financing through the normal channels. As the chairman has pointed out, the uncertainty of the whole thing leaves us in great difficulty in preparing budgets and preparing forecasts for the future. It is of great concern to us.

Mr Herrema: I will deal with recommendation 8 and then turn it over to Councillor Aker on the transfer station.

Recommendation 8: That part IV of the bill respecting changes to the Environmental Protection Act, particularly sections 23, 26 and 33, be deferred and considered in tandem with the release of the provincial paper on statutory authority initiative, which will deal with waste management roles and responsibilities, expected to be released in early 1992.

The way you are proceeding, we expect we may be separate from other communities, counties, local municipalities in some areas or even cities that have some of the responsibilities. We take a look at them, and whether the intent here is to deal with us and set the groundwork for going somewhere else or not, we are not quite sure. We just wonder where it will be a duplication. Is this going to force us to first do ours and then conform with this or is

this going to be quite separate? We certainly are not sure of that aspect.

Mr Aker: The region of Durham is of the opinion there is no need to build a transfer station at an estimated cost of \$50 million. Our council unanimously would not support the funding. In a recent meeting, an excellent meeting, between our regional chairman and the Minister of the Environment, the chairman advised the minister that, one, we certainly would not be building the transfer station, and, two, we certainly would not want the province of Ontario to fund the transfer station. The need is unwarranted. Brock West expects to remain open until 1994. The region of Durham is negotiating to use the Scarborough transfer station upon the closure of Brock West. This solution represents the best and most prudent use of taxpayers' money. Consequently the region requests that the minister's report be rescinded and the applicable sections of Bill 143 deleted.

The second part of our conclusion is that the absence of information related to financial assistance in meeting the requirements of Bill 143 is of concern to the region of Durham, and we really cannot respond because the bill is fairly mute on that item.

Mr Herrema: There are some issues we could talk about, such as the waste of money and the horrendous upheaval we caused people, not just in Pickering but all over the region. We have as many people in other areas, especially in Newcastle. When you site a site, this is what happens. We were going on our own long-term program. We had spent a great deal of money doing that. We had hired consultants to do what we were supposed to do under the act. We were following the act quite closely and had spent well over \$4 million on that aspect to ensure we had a long-term plan. That was the Durham-only master plan we were looking at. The residents of the region of Durham had indicated to us that was what they wanted.

We also sent a letter to the new minister at the time asking if it was a Durham-only master plan, because they did not trust that this would happen that it would be Durham only and not taking any outside waste. We did not receive an answer to the letter. Instead, there was the change of rules and regulations they had promised and the GTA came in with this interim bill.

We were working on the SWISC program at the same time, but our residents were not prepared to look at outside waste if we were to do a master plan. They were quite convinced we were going to use it to do something else. In the short term we had told them what we were doing, but in the long term we said it was Durham only because we also had hoped at that time that we would have an option, that when the region of Durham's master plan was brought forward, we might have an opportunity to look at a couple of other avenues. One, of course, was Kirkland Lake, letting the people of the region of Durham take a look at how that would work environmentally rather than taking 300 or 400 acres of land.

When you live in a rural area and anyone's land is taken, you do not feel very good about it. None of us wants a landfill site but we are all aware there has to be

one. The concern is where it is going and how Metropolitan Toronto fits into the matter of that landfill site. So some of their concerns are related to that.

By having that polled, it certainly gave a change of direction. We were working with Metro on the interim site, which allowed us to do some financing of the long-term master plan. All that has been taken away from us. We have now had a loss of \$4 million and are back at square one, having many people upset because they know that one of these days someone is going to come down with a number of sites, perhaps targeting their community or their own lands. Until someone has done that to your land, you are not really sure of the magnitude that can have on some of the land, with some people mad but other people crying because it is their century farm that someone is going to take and use. There is quite a difference, living in a community and having it happen and having them finally take your farm.

These are some of the concerns that were going on. We had a lot of public meetings to indicate to people what we were doing. None of us were very pleased at doing it, but we also knew we had to do it.

You will see quite a bit in here related to our financial ability to pay with the interference that came in and with the unknown in Bill 143. While we are still the dumping ground for some of the waste from Metropolitan Toronto, we are unable to come to a satisfactory agreement as yet. We hope to work out the matter with them, which will be beneficial to our residents as it relates to their still using a site that will be extended, we suspect, because their capacity is not going out.

Perhaps you could go towards the end where we have the response to the statement. The minister made her statement to the standing committee on January 20. At that time, she announced some amendments to the bill that are outlined below.

The minister has deleted the section on injurious affection because of concerns regarding the precedent it might set. The region of Durham supports this move. As our submission indicates, we are strongly opposed to this section. Injurious affection, as written, was too broad and had a large, unknown financial liability for the region. We are pleased to see that it has been removed. We had mentioned to the minister that we were concerned about the magnitude of that word, and we were pleased to see the minister come forward with that amendment.

They will amend section 26 of the bill to leave the minister responsible for requiring a municipality to take action on waste, instead of delegating the authority to the director. Further, the minister removed the proposed emergency power in section 26 to order municipalities to assess waste management needs and to prepare plans. As indicated in our submission, the region of Durham was strongly opposed to the delegation of authority to the director under this section. We are pleased to see the minister has amended that. We did not want to see a director. We were afraid it might become dictator rather than director.

1430

The minister is also proposing a five-year maximum limit on any provincial order requiring a municipality to

accept wastes from outside its boundaries. The region of Durham feels the bill should clarify that the minister should use this power only after all other options have been fully analysed and after full consultation with the affected municipalities. We have a concern that it might be expedient to impose this on one or another community without consulting the community and the municipalities. It has tremendous impacts, not only in the community but on the municipalities, regarding roads, the financial ability to handle it, whether it is extra waste, the residue from it, the leachate into the sewage plant. It goes much beyond the present state of just saying, "Take it somewhere else," without a total review of the extra capacity ahead of time.

The minister is continuing to discuss other concerns raised by the municipalities relating to the regulation of power provided under section 33 of the bill. The position of the minister with respect to section 33 is unclear to the region of Durham. Her statement included some vague phrases relating to the continued discussions, but it is unclear when these will take place and how and if these discussions will change the bill. The minister says that it is not her intention to remove municipal responsibilities, but that is exactly what she is proposing in part IV of the bill. That is why we recommend in our submission that part IV of Bill 143 be deferred until the paper on statutory authority is released, so that we know we are playing on the same level field in all of Ontario.

The minister has also stated that she is committed to a full participatory process. Unfortunately, she did not follow through on this commitment with Bill 143. Municipalities were not given a chance to comment on the bill before it entered the Legislature. There was not full consultation on this. This leads us to question the minister's commitment to full consultation.

The minister has also mentioned that the Keele Valley and Brock West landfill sites may be open longer than expected. Further, she concedes that this may affect the need for one or more transfer stations in Durham. She also rejects quick-fix solutions that prove in the long term to be environmentally costly and economically unsound.

As indicated in our brief, which I will now turn to, we are of the opinion that the transfer station is not needed given the current landfill capacity situation. We agree that quick-fix solutions are not the answer. The transfer station in the region would be a quick fix that is economically unsound. As a matter of fact, it would be disastrous should we get near those costs. That is why, as indicated in more detail in our brief, the region has been pursuing economically and environmentally sound alternatives. The region has proposed to use the Scarborough transfer station when the Brock West landfill site is closed.

Please note that this is our submission. You might think we have spent a great deal of time dealing with the transfer station, but with the kind of costs that were presented to us by a very detailed consultant, after having reviewed it and visited the Scarborough station, we are fully aware that the original cost we were talking about, \$5 million to \$10 million, was certainly out of the question. That was a shock to us, but when they came back with the \$50 million, I have

to tell you it was close to causing an earthquake or a heart attack for the politicians and our staff as well as our residents.

That is why we have put a lot of emphasis on it, because it is in the bill and we get very concerned. We are working very aggressively to change that and to get an agreement with Metropolitan Toronto. The idea that it is being left in gives us concern that somehow we are not conveying the message. I believe staff realize we are working, and we have had good cooperation from staff. I certainly have to indicate that.

We are aggressively pursuing the matter with Metropolitan Toronto. That is why we have physically spent some time to do it. We had seen the site when Metro works committee members had not seen the transfer station in Scarborough, so we were able to make our own judgement to know there is capacity at that site. We did not wish to pursue it further and go to a private avenue that someone else requested we visit, somewhere in York. We would rather stay with the municipality so that we know who controls it and we can deal with both the politicians and the unions that deal with that one.

We have spent a great deal of time on two elements of this. Of course the consultation matter is quite a concern to us, that it not only include those who are in the public but also the municipality, those who must foot the bill in the long run, from the residents on through. With the blue box program, when you lose \$4.5 million, as we did last year—we did not lose it; we spent \$4.5 million on behalf of the residents and the environment—people get concerned about where that might stop. If you ever added the \$50 million or even close to it, as mandated by the bill—although we have had good discussion, we still get concerned that this will get left in and it could be quite a matter on our back. It is still a report, it is not an order yet, but I am sure if it ever became an order or got in the bill, even our financial people would have some concern related to the financial ability and the problems we would have related to ventures in the region of Durham.

We have been through the wars on filling landfill sites. To really tip you off, my lot is 66 feet from one. It is a public one. It is not a very big one. The house is at the front end of the lot. The lot is a mile and a quarter deep, but we know what it is like to have the nuisance of even a small one, never mind a mega one that will have to be found to deal with the problem.

I am not sure whether Mr Silgailis has a comment. Mr Silgailis is our commissioner, who is ultimately responsible for making a recommendation. We will be glad to answer any questions. We have been in the bunker and we know what it is like. It has been through some detriments and some people we know of have used it very well.

Mr Silgailis: I would like to add my comments with regard to the transfer station. We are under a minister's order. We have done everything we were told to do. We responded to it, filed a work plan, filed the report on statutory and legal requirements and filed a community program. Throughout that whole process we realized we had to address the costs. As was indicated earlier, we found out from the consultant what the costs were. We were getting them ready so that we could go and meet with the minister

to talk about finances. That was when, as our chairman said, the earthquake hit. We are pursuing other alternatives. It is very disheartening to sit with this order sort of floating around and still have to comply with it. That is why we are asking that this be removed and that we be given the opportunity to finalize our arrangements with Metropolitan Toronto.

Mr Turnbull: I would really like to concentrate on the question of process. I am most concerned at the fact that after a year and a half of this government being in power, after having killed all the interim sites that were proposed, and after, as you alluded to, quite a lot of money being spent by the various municipalities on those sites, in one fell swoop the minister is taking away the whole process we have built up over the years whereby you have public consultation, you have the right to environmental assessment hearings. In one fell swoop the minister is taking away those rights with respect to the two sites that will have their lives prolonged.

At the same time you are losing control of the process and yet the cost will still be given to you. At a time that "disentanglement" is one of the buzzwords we hear all the time, this adds a whole new dimension to downloading. They are completely taking away your control over the costs but at the same time they are going to control the process. Could you comment on that?

Mr Herrema: I met the minister last Tuesday and she said there would be no unloading. You have just summed it up. We had gone through the process. We had done it. We have no control, absolutely none, over the cost of what the interim authority is doing at the moment. It has been indicated to us by the minister, and I suspect that is what will happen, that the cost of it is going to be charged in the tipping fee. That means that when it comes to the gate—we are not sure who is going to operate it yet—we will have to pay for something someone else has designed and built. Whatever charges are in it are unknown to us. It is like going and ordering a new car and not knowing what it—nobody does that, but that is what we are going to be asked to do at the moment. We feel quite remote from it because the impact is going to be on us. Wherever it goes, local councils and residents will ask us of course to turn on it and yet we are going to have to be responsible and accept something because waste management has to be done. We feel we are really done in after spending all the money and now having to do it again.

1440

Mr Turnbull: With respect to the fact that at least they were subject to the normal scrutiny, and yet the extension of the two sites, Keele Valley and Britannia, will not be subject to the normal public scrutiny, could you comment on that?

Mr Herrema: I will give you one. We did have a shortened EA, as proposed by the former government, on the P1 site—I have to be honest on that—that was not the full-blown one we were doing on the others. We were criticized very severely by the present minister, who was then in opposition, for trying to short-circuit even one. We were a little surprised, but we understand what is happening.

Mr Turnbull: That is one of my problems. On the one hand you have a government that in opposition was the greatest advocate of the longest possible consultation and public process and now wants to take it away completely. I have a great deal of difficulty with it. I recognize that we have to get to the stage throughout the province, in all aspects, where we have to shorten environmental assessment processes, because they cost enormous amounts of money. I do not believe we should get rid of the process; we should simply streamline it, much in the same way as your process was streamlined. It may not have been perfect, but at least you had a process. Here we go from endless process to no process at all for public input.

Mr Herrema: That was our concern. There was no answer in the old act. Just ask Halton region. How many millions are spent? Everyone could challenge you somewhere else going down the line. There have to be some changes, but it seems that we have gone from no answers and everybody wanted to go all the way to delay and delay—we just could not get answers to some things. I have been at some hearings. We find it quite amazing that there has been a change, but sometimes that is what happens when you have to do it rather than talk about it.

Mr Turnbull: Briefly, could you describe to me what the process would be ideally and how long it would be?

Mr Herrema: Ideally it would be a two-year process instead of a seven- or eight-year process, because you cannot plan. You have a council that is in for only three years. If you were to initiate something, the way it presently is with the act, it becomes, "Let's twiddle our thumbs and let the next council deal with it." This is what is happening in many cases. The continuity of councils that are driven to do the right thing—there is not a councillor who does not want to do the right thing when it comes to the environment. There is no limit to it, so they spin it out. The public, the community groups love spinning it out because it gives them time to hope it will go away. It causes tremendous hardship on the community where you do it. It puts a cloud on it for four or five years, up to seven years; I guess it was 10 in Halton. That must be very stressful on a community healthwise as well as on the region or any municipality financially.

There has to be an amended process to what the old one is. There should also be a time element where people have to respond, or you will mentally destroy that community itself. That certainly is not fair when there are perhaps other alternatives. We were invited to go somewhere else. We are just told, "You can't go there." Having visited that site, and being a farmer, I get concerned that I am taking more farm land out of the community again.

Mr Wiseman: It is nice to see you again.

Mr Herrema: Are you sure, Jim?

Mr Wiseman: I came before council a number of times. I have a couple of quick questions. One has to do with the transfer station. When I first saw the accounting of \$50 million, it was a one-page accounting. Have you seen been given a more detailed brief by the consultant? If so, could we see it? We would like to have a copy of that.

Mr Herrema: You can have a copy. I will let Vik answer that. You can have a copy of everything we have.

Mr Silgailis: We have a consultants' report that is labelled Durham Transfer Station Project Status, which summarizes all the work they did for us. We would be delighted to give it to this committee.

Mr Wiseman: Thank you. My next question is about the Interim Waste Authority and the use of the word "interim." It is deliberate. In your brief you said the Interim Waste Authority should not operate the landfill sites after they are built. What would you see as the desirable arrangement for the managing of the landfill sites?

Mr Herrema: If we were to have our own short-term one that we operate we believe the public could get to the council. With the interim, how do you get to the people publicly where you can get at them? You have reps in your community, Mr Wiseman. They could question Mr Aker or any member of his committee, or Mr Silgailis, who is ultimately responsible? We think it is too remote. How do people know about paper, dust, odours? How do you get at it? People feel very concerned, and they do not like someone sitting somewhere in a boardroom they cannot get to. They like to be able to get at them, whether the local councillor gets at them, and in turn the region. You know our setup very well, Mr Wiseman. At least you can get to someone to discuss. An Interim Waste Authority is so remote. Very seldom do the people who operate them live near them. Have you ever noticed that?

Mr Wiseman: The people of Pickering have made me well aware of the remoteness of Metro with respect to Brock West.

Mr Herrema: So I do not have to explain to you why I am concerned.

Mr Wiseman: The next question also has to do with the Interim Waste Authority and the draft document. As you know, the criteria in the document set aside class 1 to 3 farm lands, especially with crops. Basically what it says is that it is ruling out all hydrogeologically sensitive areas: class 1 lands, the Rouge Valley where the park is designated and so on.

Mr Herrema: Oak Ridges moraine: Let's get that in too. I live up that way.

Mr Wiseman: Yes. What it is basically saying, though, is that it will only consider lands that are within the urban shadow or have already been designated for use other than agricultural use. What I am getting at there is that in your brief you were talking about farmers having an air of uncertainty about where the landfill site is going. If these criteria are looked at, I think for the most part it would give a clear indication that the sites on the top of the list, or the lands that are being considered on the top of the list, would be lands that have already been designated for uses other than agriculture and green space.

Mr Herrema: If you go to Mr O'Connor or Mr Coppo or Mr Picov in your riding, that land is in the urban shadow, there is no doubt about that, easy to be serviced, close to roads and everything else. If you were ever to suggest it, especially for the ones that have been there

since 1832, can you imagine how they would feel on that? There is no difference when you use agricultural land, whether it is in an urban shadow or rural. You can service them with sewer and water.

Mr Wiseman: But it says specifically that it is designated for something other than agricultural use.

Mr Herrema: I will remember you said that, Mr Wiseman.

Mr Wiseman: Do not worry. I will remember it as well.

Mr Herrema: What is the length? What is the time? We are not in charge of how long. Is this a 20-year plan? In the urban shadow, you take farm land of any kind—

Mr Wiseman: I believe the designation for the long-term site within the Interim Waste Authority document is a 20-year site, so it is a long-term site the Interim Waste Authority is looking at.

My last question has to do with the public. The people who contact me are extremely interested in the 3Rs. We are hearing a number of deputations and a number of presenters talking about reducing and recycling and reusing, and part IV of this bill talks about this. I wonder if you do not think it is time the province in its entirety made 3Rs programs available to all its citizens so we can reduce the production of waste and get on with the recycling of waste. We had a deputation just the other day that said: "You politicians, you sit here and you have all these committee hearings. What are you doing? You know what the problem is. Get on with it. Do it."

Mr Herrema: We can cure a lot of problems. Just send us money. I will let Mr Aker relate some things we have done lately.

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Mr Aker: Jim, one of the problems we have with our recycling and our composting is that we are fairly aggressive in Durham region and we are at our 25% diversion, but the cost of our program is about \$4.5 million a year and the product we sell is approximately a little over \$400,000. So we have a 10-to-1 expense-to-revenue ratio. That has not been felt by the citizens yet because we have been using money we receive from Metropolitan Toronto to fund this particular program. When that money runs out in 1993, we project that the citizens will not be anxious to accept about a \$4-million increase on their tax bill. Most people support recycling, reduction or conversion from the waste stream, but when the true costs hit home, we are concerned.

Basically our program is at a status quo situation where those who have recycling will continue to have it. Those who have igloos they can use will continue to have them, but as for expansion further—

Mr Herrema: We just did that. We just increased the expansion.

Mr Aker: Starting Monday we are adding corrugated cardboard and telephone books, but I was thinking about expanding it to other types of residences. We are very nervous about it. As I said, we are running at about a \$4-million shortfall per year, entirely funded by money received from Metro Toronto. It has not impacted on the

taxpayer yet. When it does, I think the reaction will be substantial.

Mr McClelland: I have a couple of quick questions; I hope we can get through a few of them. You raised some concerns about part IV of the bill. I would like a very quick response, if you could. If we were to break down part IV of the bill and specify within the enabling legislation of part IV, the regulations, those that would apply to the municipal operation of waste management and those that would apply elsewhere, would that give you a greater comfort level?

Mr Herrema: That would give us more comfort. We would at least know what we were dealing with. We do not know what is coming down. We know what the intent may be, but we do not know the details of how it is going to be and how it can change from what we perceive may happen and what finally happens in the bill. You have the right to make the changes this committee would recommend. That would certainly assist us so we would know what our responsibility is and what the other side would be.

Mr McClelland: Correct me if I am wrong; otherwise I will just move to my other question. Part of the premise on which I put that question to you is as follows: The role of the municipality and the role of all others is considerably different, yet there ought to be a consultative process in terms of developing the regulations that would flow from part IV, which are very distinct. Business has some very legitimate concerns with respect to part IV. People involved in recycling have concerns—Ontario Multi-Material Recycling Inc, by way of example—with respect to part IV and municipalities. What we have now is a broad stroke of the brush. It raises concerns with you that may very well provide solutions elsewhere. I think that is the difficulty.

I want to move on to something else here. You talked about no consultation. I do not know if it will be of any comfort to you, but we were told yesterday by a member of the committee—and I will be candid—Ms Haeck: "Don't worry, you were consulted. Even if you don't think you were consulted, we're telling you that you were consulted, so it must follow that you were consulted." I should let you know that the fact you were not consulted really does not wash because you will be told you were consulted, and you should find some comfort in that, because that will be the response.

In terms of cost and control, what you are going to have here is an organization under the Interim Waste Authority that is going to basically dictate the control and perhaps the siting of a landfill in Durham. Who do you think the people are going to come to when push comes to shove and it turns out the landfill site is adjacent to their farms?

Mr Herrema: They know where Mr O'Connor and I have breakfast and I will bring them there that morning when we get together. They are going to come to us. You know that. They will call their MPP, that is for sure, but they do business in Toronto and they will be lined up at our place saying: "You should have stopped this. It's your official plan. How come you're letting this happen?" We know that. Mr Wiseman can attest to that in Pickering, where

they have certainly had their difficulties, and beyond a shadow of a doubt they have had that, yet how do you get at those who are operating? You cannot. The IWA is just too hard to get at. It is like an absentee landlord and I do not think we want it. We do not want that in the region of Durham.

Mr McClelland: On page 9 of your brief you say part of the solution would be shipping to the Scarborough transfer station in the event you run it to capacity at Brock. You are well aware, of course, that solution is out of the question right now, inasmuch as this bill precludes your considering transferring your municipal waste across the boundaries out of Durham. You might as well write that off unless we get some amendments here.

I think it is important to understand that the very basis of Bill 143 says: "We're not prepared to look at other solutions. Regardless of how they may shake down environmentally, regardless of how they may shake down in terms of common sense, regardless of how they may be pragmatic and have impact in the real world, we're not going to consider it because it doesn't fit with our ideology at the present time." I think it is important that people in Durham understand that. A solution arrived at by you and people in council who have turned your minds to it and put considerable money on the table to arrive at solutions is off because it does not fit. If reality does not fit the scheme that has been concocted, then, "I'm sorry, reality doesn't count in this case."

I want to talk about something to pick up on this cost and control issue a little bit. We are told there are not any lists of any sites. The IWA has begun a process. They have taken a list of criteria and they have applied it to various parcels of land that are somewhere in the funnel. They tell us there are no lists, and I believe there are no lists, because we had some honourable people who have put on the record that there are no lists.

The lawyer acting for IWA said: "That's true. There aren't any lists. There are certainly files. There are certainly parcels of land in files and documentation and a tremendous amount of work has been done with respect to arriving somewhere in the process with parcels of land that are somewhere in the funnel that have had criteria applied to them, but we don't have any lists yet. Even though you were promised that list, by the way, in December, we still don't have that list."

What do you think is going to happen when that list comes forward, if it ever comes forward in the manner it was promised, and they come to you, Mr Herrema, as chairman, and say, "Through the scheme concocted by the minister, IWA might be putting a landfill in my neighbourhood"? Mr Wiseman says that Bill 143 is great stuff. "SWISC was terrible"—it only involved the public process and involved people in the community—"but this is good stuff." How are you going to respond to that, Mr Herrema, at that time?

Mr Herrema: Mr Aker and I have been there, so we know what will happen. The public will rise up and there will be gigantic chaos and concern. I suggest at that time they will have learned how to organize better, because we gave them a dry run on the same thing and they will be

ready. They will probably get Laidlaw to cancel school buses that day and they will bring them all down here. I suggest you keep the door locked.

We know now they think there are some alternatives we are not looking at. They are very concerned. They come to us legitimately because they hear us talking about an alternative in the north, a willing host. They hear talk about incineration, but you have not even tried it. The minister indicated she had no scientific material when she went to Detroit to talk about that in a court case. The minister said, "I don't have scientific proof that it's harmful." She said that in a public court, from what I have been told. People come to us and say: "Why don't you try that? At least, Mr Herrema, go down and tell the minister that, because she's going to be taking our land"—whether you are on an urban fringe or a rural fringe. In the region of Durham, Mr Wiseman is quite correct, some land is zoned or dedicated in the official plan, but you are going to take somebody off his land who is presently contributing very well.

I am not allowed to swear, but you are going to have chaos when the people come. We know. Mr Aker and I had to have 28 cops to get in and out of a meeting. I got bald and he got grey over that. That is why I carry a cane now. It is not going to be fun. It is going to be a riot. The good part about that is that now we can do like I do with my dog when a cow gets out: sic 'em. I can sic 'em on somebody else. But that is not the answer. It is unfortunate we are not looking at all the alternatives and are saying: "It's over. We have nothing else. We have to go there and we can do it wholeheartedly." The environment is more important than politics, but sometimes I begin to wonder.

Mr Cousens: I am sorry I was not here for the presentation. I could not resist this opportunity to say a very special word of welcome to Mr Herrema and members of Durham council. I will be reading every word carefully. If I had known you were coming, I would have worn the tie you gave me.

Mr Herrema: Do you remember that tie?

Mr Cousens: I remember. I still have it. It has been worn a few times.

I also want the regional chairman to know that I have appreciated the way in which he has been presenting the case for Durham along the way and representing the people of that area. I want him to know that his views are always highly respected from where I sit. I will be checking this very carefully. I appreciate the fact you are here today and making your presentation. We have a tough time. I will look carefully at the data I know you will be presenting to see if there is anything I can bring in in the amendments I will be presenting.

The Chair: I want to thank you for your interjection, Mr Cousens. There was an interchange between Mr Herrema and Mr Wiseman over whether the remarks would be remembered, and you have pointed out quite rightly that everything is recorded in Hansard and it is there for posterity and for the archives.

Mr Cousens: I do not have the problem Mr Wiseman has—

The Chair: Now, now. That was not called for. Mr Martin, you have the floor.

Mr Wiseman: At least I can still read, Don.

Mr Cousens: Because you know how to read does not mean you know what is going on around this place.

The Chair: Order. Mr Cousens, would you withdraw please.

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Mr Martin: As a virtual outsider to some degree to this discussion, being from the north and newly arrived on the scene—September 6, 1990—I was under the impression at that time from things I read and heard about the idea that garbage from the south might be coming north that there was an emergency down here, that there was a huge problem and that nobody seemed to be able to get a handle on it. There was a lot of discussion around it. There certainly were Environmental Protection Act hearings going on and processes in place, but there did not seem to be an answer.

Certainly this legislation was based on the premise that we had an emergency. Mind you, that emergency has diminished somewhat because of the recycling, reusing and reducing initiatives, and the recession, the fourth R, and also the unacceptable shipping of garbage to the United States. We have had groups come before us that tell us that we still have an emergency and that we need to be concerned about that. Perhaps you might want to comment about that.

Mr Herrema: I think with the present process there is an emergency. You will not get a greenfield site through the present process. If you shorten it, it is going to take you eight or nine years to get it done. There will still be an emergency. We are looking at the north as an option, but we are also keeping our own option. You will find it is going to take five years to spin through even the new act. We will then probably get there. We will do more recycling, but it will get closer; every week we are a little closer to the emergency. It is not tomorrow, but I say you are now three years away from even getting to anything concrete. There is urgency—not an emergency—that we proceed very diligently in finding a longer-term waste site for the region of Durham or the GTA or all the other areas too. We should not forget that the GTA has a problem, but they have megaproblems outside the GTA when it comes to the act and trying to find landfill sites, because I tell you the Philistines rise up in a hurry.

The Chair: Chairman Herrema, we appreciate your coming before the committee. I have reserved two minutes, if you wish to use it to sum up.

Mr Herrema: We have indicated our gigantic concern; the \$50 million is a great concern. We are prepared to provide any and all documentation. Our staff will be prepared. We have had some discussion with the minister, which has been helpful, but it is not reassuring when we still see it in the bill. We also see the restricting of it only to the GTA. We know you are going to take somebody's farm land. I hope you do not take mine because my sons would become irresponsible. When you take somebody's land like that, that is what happens. We do not want that.

We have seen that, Mr Aker, Mr. Silgailis—we just promoted him. The other guy, we had to give him early retirement, he was so worn out. So these are things that happen.

We want to thank all of you. This is not an easy job you have. You have taken it off our back, but you have put it into our pocketbooks and that worries us as much because if we cannot survive financially in our community it will be a detriment to all of us socially, environmentally and economically.

The Chair: I know I speak on behalf of all the committee when I say we appreciate your coming before us today. If there is additional information over the course of our hearings that you think would be helpful, please feel free to communicate with us in writing.

McDONALD'S RESTAURANTS OF CANADA LIMITED

The Chair: I would like to call now McDonald's Restaurants of Canada Ltd. You have 20 minutes for your presentation. We would ask that you begin by introducing yourselves for members of the committee, and if possible leave as much time as you can so members of the committee can ask you questions. The procedure I have been using is to try to reserve a couple of minutes at the end for members to put questions on the record that they may not have had time to ask during the presentation. Then you can respond in writing to anything asked that we have run out of time to be able to answer today.

Ms Kitts: I am Maureen Kitts, director of communications and government affairs at McDonald's Canada. I am also a member of the Ontario government's Waste Reduction Advisory Committee.

Mr Gregory: Good afternoon. My name is Hal Gregory. I am vice-president, environmental affairs, McDonald's Restaurants of Canada, as well as national director of purchasing. So not only do I defend our packaging; I buy it. I guess that is why I am here today.

I would like to thank you for allowing McDonald's Restaurants the opportunity to speak today on Bill 143 and the bill's legislative ability to enact such regulatory measures as necessary in order to achieve Ontario's waste reduction targets.

We commend the government of Ontario for its sincere efforts to address the need for waste minimization in this province through the efforts of the Ministry of the Environment, the newly formed waste reduction office and the Waste Reduction Advisory Committee, which collectively will help direct Ontario residents to achieve the climate of conservation that we need to protect the environment.

McDonald's Restaurants is represented on WRAC, the multistakeholder committee that works to develop recommendations to the minister on difficult environmental 3Rs policy issues. Through the work of WRAC, we have had the opportunity to see first hand how challenging it can be to develop policies and programs that satisfy the interests of divergent sectors, while achieving the results necessary to solve real problems.

I would like to tell you that the responsibility of waste management and waste minimization has always been a part of our McDonald's management policy. Frankly, it

makes good business sense. In more recent years, as waste minimization has become a more global concern and one all levels of government have challenged both the public and private sectors to address, I wish to assure you that McDonald's is committed to being in full compliance with all environmental regulations. If anything, we are committed to meeting and exceeding environmental regulations before targeted compliance is in effect. As an example, we have publicly stated we are committed to achieving waste diversion targets over and above the 50% goal of Ontario's Minister of the Environment, and that, a full five years ahead of schedule, by 1995.

Equally important, as a customer-driven company, we have an opportunity to demonstrate this commitment to the communities in which we do business, through both operational and public awareness programs.

Let me now give you a summary of our past actions and current initiatives. To determine the ways in which we could identify and put into effect operational procedures to meet our waste minimization goals, it became clear we needed to conduct a detailed analysis of the solid waste we generate in our restaurant operations. To this end, we conducted our first fully detailed waste audit in August 1990.

Based on these results, we initiated further source reduction, reuse and recycling demonstration programs. This allowed us to measure results and their ability and flexibility to become standard procedures in such diverse restaurant operations as an Eaton Centre location, an urban standalone restaurant or a restaurant location in a small northern Ontario community. I can tell you that through these first-year demonstration results, we have been able to expand existing 3Rs programs. Some have now become Canadian system-wide operational procedures.

Our second follow-up waste audit in September 1991 has allowed us to decisively critique and evaluate progress while identifying further 3Rs initiatives. More importantly, these efforts are allowing us the ability to work with our operations team, our owner-operators and our McDonald's suppliers to target full implementation of reduction, reuse and recycling programs on a national and international system-wide basis.

Clearly waste audits that have been recommended as a standard compliance procedure in the minister's October 1991 initiatives paper, Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1, have demonstrated to McDonald's not only 3Rs benefits, but operational and cost-saving benefits as well. In the past year, packaging costs have been reduced by over 15% in our Canadian McDonald's Restaurants.

Our comments regarding Bill 143: In reviewing Bill 143 and its ability to regulate, I would caution this committee that taken to the extreme there are specific measures that could have far-reaching implications on our ability to do business in Ontario. For example, section 29 of the bill states: "No person shall use, offer for sale or sell any packaging, container or disposable product or any material for use in packaging, containers or disposable products contrary to this act or the regulations." This section of the bill essentially grants the minister the power to ban the sale of

any packaging that is seen to pose a waste management problem.

At the same time, we understand the need to enact enabling legislation that can provide government with the ability to ensure that waste minimization goals are achieved. Keeping this in mind, we will continue to proceed on the assumption the ministry will not utilize all of the far-reaching powers contained in Bill 143. Based on our review of the initiatives paper, we encourage you and the ministry to continue with the spirit of recognizing the importance of a careful balance in the roles and shared responsibilities of both the public and private sectors in achieving waste minimization targets.

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We trust that the government will consult with those of us who are working to meet the ministry's targets by providing it with sensible suggestions for changes in ministry regulations. For example, the initiatives paper states that our industry should initiate an aluminum recycling program. Our waste audit clearly showed that this material represents less than 1% of McDonald's solid waste. We would therefore recommend allowing us to proceed with our present plans to divert organic wastes, which account for fully one third of all our waste.

Effective waste reduction programs need the flexibility to tackle waste reduction where it will have the most impact to meet targeted compliance goals. That same flexibility will also allow us to develop the necessary waste diversion, reduction, reuse and recycling programs for, say, Toronto, versus those we implement for the unique needs of our northern Ontario restaurants.

We believe that the concrete results needed to achieve Ontario's waste reduction goals will come from a situation where all sectors are given clear targets. Critically important will be each sector's ability to find the most practical, realistic and successful methods for achieving these targets, based on their individual knowledge and in-depth understanding of their businesses.

At McDonald's we are proud of our ability and commitment to meet waste reduction targets. We believe our knowledge and extensive research and development efforts will make it easier for other, perhaps smaller industries to learn from our waste reduction programs and adopt them accordingly. Overall we are satisfied that Bill 143 will to some extent establish more of a level playing field in our industry and other business sectors, while achieving Ontario's waste reduction targets.

In closing, may I summarize some key points: Ontario needs results and solutions to our waste reduction targets through actions that address real problems, not perceptions or myths. We encourage you not to tie our hands to excessively restrictive regulations when we can meet shared targets through clear guidelines. Most importantly, I would like to thank each of you for the opportunity to be here today, and wish to reassure you that McDonald's welcomes the opportunity to continue to build a cooperative, productive working relationship with the government of Ontario so that collectively we may achieve our mutual goals. We will open it up to questions.

Ms Haeck: I really want to commend McDonald's for the efforts it has made in waste reduction. I am heartened to see your comments on the first page about waste management and waste minimization making good business sense. One of the concerns that has been raised by other deputants and by members of the opposition is that somehow profit cannot be made from waste reduction. I am wondering if you have any other examples of the financial benefits you refer to on page 2, which says you have reduced your packaging costs overall by 15%.

Mr Gregory: I think through the years McDonald's has perhaps overpackaged our products for many reasons. Marketing might have been one of them. Now we have come to realize we can no longer afford to do this from an environmental standpoint, so we have taken a look at reductions wherever we can. There are some tremendous cost savings there. In reuse, going with plastic totes instead of cardboard boxes coming into restaurants, there are dramatic savings. I mentioned our English muffins. We instituted that just over a year ago. I think our outlay with our supplier to buy the reusable totes was something like \$61,000. In the first year alone we saved almost \$250,000.

Ms Haeck: I cannot argue with that.

Mr Gregory: These things are pretty much ongoing. So far, we really have not come up against anything that is so expensive we cannot afford to do it.

Ms Haeck: Do you have a team in your head office working on ways of saving money with regard to packaging?

Mr Gregory: Full-time.

Ms Haeck: I had a sense that you basically have some good relations with the ministry and possibly the waste reduction office. Are you involved with the national packaging protocol in an ongoing discussion on the issue of packaging?

Ms Kitts: I would like to answer that. Yes, we have had an opportunity, representing our industry through the Quick Service Restaurant Council, and even prior to its formation, to make deputations to bodies similar to yours at the federal level. Very often McDonald's has been called in because they know we have had a awful lot of research and development, not just on our packaging but our entire waste stream, which we would like to think this deputation addresses as well.

We try to make ourselves available to various standing committees to share with them some of our more recent and up-to-date initiatives. We would also like to think, as we have said in this paper, that we have the ability to do some of this research. For instance, I will just mention the reusable totes for the shipment of, say, major meat, potatoes or whatever. If McDonald's has the ability to get that proper container designed, it can then be used by much smaller industries, whether a meat supplier or chicken supplier that might be sending chicken to hospitals, institutions or whatever. We would like to think there are far-reaching benefits from some of our initiatives.

Mr Gregory: Once our waste audit was completed we were so impressed. We had used the company that helped us with environmental concerns for years. We directed

them to every one of our suppliers across Canada to do internal waste audits.

Ms Haeck: You at least passed on that information.

Mr Sullivan: I am very interested in the work McDonald's has done in the past, and there is one particular area I would like to focus on today. That relates to the move away from polystyrene clam-shell containers to paper-based sandwich wraps for many of your products. I know you have been substantially involved in the development of the polystyrene recycling plant. Personally, I was disappointed that the encouragement at the political level was not such that the plant was up and running before the corporate decision to change had been made. I felt that with a 100% recyclable product there was an environmental benefit to result from that corporate merging of experience. I would like to hear your comments on that.

I would also like to know what you are doing with the paper-based wraps. Are they completely going into composting as part of the organic refuse stream? Where is that being done and how do you participate in those composting efforts?

Mr Gregory: I will start with the first part of your question. We were and still are heavily involved with the Canadian Polystyrene Recycling Association. Your comment was right on. It is unfortunate that we got started with too little, too late. As I mentioned earlier, we are a customer-driven company and our customers clearly want us out of polystyrene packaging. We did an Angus Reid poll right across Canada and when we saw the depth of concern for polystyrene we felt we had better take another look at our position.

Environmentally there is a saving in switching to paper wrap from polystyrene. In some cases, if you are talking about paperboard polystyrene, I think there are advantages to polystyrene over paperboard that I do not think there are over paper wraps based on studies we have had done.

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We continue to be involved today with the Canadian Polystyrene Recycling Association. In terms of products in our restaurant, all our breakfast packaging, our platters, are still in polystyrene, as are our coffee cups. New technology has been recently announced by Lily Cups. One of the major concerns we had was the HCFC usage, or pentane or butane used to blow the polystyrene to expand the cell walls. That is now being done with CO₂ gas, as with our products. I think that has eliminated one of our big concerns.

Today our paper wraps use a combination poly-wax coating on them. We think they can be composted. We are working with the University of Guelph today doing composting tests on them and we should have the results of those tests within the next six weeks and look at composting our paper wraps.

We have to do something in the restaurant to get our customers involved. Right now, the things we have been doing are back of the house, not front of the house.

Mrs Sullivan: Until it is compostable, that material is now going 100% to landfill.

Mr Gregory: That is correct, except in stores on pilot programs.

Mr Turnbull: Thank you for an excellent presentation. It is nice to see you, Maureen. Over the years we have seen each other at church and never actually spoken to each other.

With respect to part IV of the bill, specifically section 28 which suggests the repealing of section 74 of the act—I refer you to clause (b), “the reduction of waste from packaging, containers and disposable products and the reuse or recycling of packaging, containers and disposable products;” I think we would all agree that the idea of reducing by 50%, the goal expressed by the minister, is admirable and we should all say we will work in that direction. I have had comments that unfortunately that type of ruling is blind to organizations like yours that have been more assiduously working away at the process than other people who had made no effort. If you have a base of being very poorly in compliance with any kind of recycling and reusing, you start with a much higher amount of waste, and if the same 50% is applied it is somewhat unfairly applied to people who have been good corporate citizens. Could you comment on that?

Ms Kitts: Thank you for bringing that up, David. I know we have brought this up an awful lot at the national packaging protocol level too, with their base year of 1988, and all our figures are based on that base year. I guess we can say to bodies like yours that there are many organizations both in the public and private sectors that have respected that base year and are working very diligently from that year on with our reduce, reuse and recycle.

One thing I think you have to look at, which we cannot get a clear answer on, is new product introductions, expansion of businesses. I will give you the example of Toys R Us. It maybe suddenly has brought on 20 new lines. How do you start measuring the waste that generates with a baseline year of 1988? I think this is where both the public and private sectors and people like ourselves need to sit down, share with you some of those thoughts and say, “Let’s work together to see how we can expand on those measurements.”

Mr Turnbull: Yes; one last question that has always been very near and dear to my heart.

The Chair: Mr Turnbull, you can put it on the record, but you cannot expect a response. Do you want to put the question on the record?

Mr Turnbull: I will put it on the record right away. I would like to hear your thoughts with respect to using reusable plates, glasses and cups in your restaurants and generally in your industry.

The Chair: Mr Martin, question for the record?

Mr Martin: Yes. You have commented on page 3 about the unique needs of northern Ontario restaurants and it gives me an opportunity to ask something closer to home than what I have been—

The Chair: Question?

Mr Martin: Perhaps you might share some of your initiatives there and what the concerns are around—

The Chair: That is not a question. Mrs Mathysen, question?

Mrs Mathysen: I do indeed have a question. First, I want to say it is very commendable that you have made this effort to divert waste because McDonald’s has a certain appeal in the public. It has a lot of popularity and I think you have a lot of influence, so it is important that you are leaders. You said in your brief that less than 1% of McDonald’s solid waste is aluminum. What would that actually be? How many pounds, tons or whatever?

The Chair: Question, Mr Lessard?

Mr Lessard: We look forward to working in partnership with people like McDonald’s as well. You make a statement on page 3, “We would recommend, however, to allow us to proceed with our present plans to divert organic wastes, which account for fully one third of all our waste.” I wondered what you meant by our allowing you to proceed.

The Chair: The clerk will provide you with a list of all the questions that there has not been time for you to answer. We would appreciate it if you would answer in writing. If we receive it by February 14 it will become part of the public record. If it is after February 14 it will be shared with all members of the committee. We appreciate your coming before us today and sharing your concerns and interest in this legislation.

BOARD OF TRADE OF METROPOLITAN TORONTO

The Chair: I am going to call next the Board of Trade of Metropolitan Toronto. You have 20 minutes for your presentation. We ask you to leave enough time for questions from members of the committee. If you would begin your presentation by introducing yourselves to members of the committee, we would appreciate that as well. Please take your seats at the microphone.

I remind all members of the committee that the time for placing a question on the record is just to place your question. If you want to have a conversation with the deputants, you are welcome to do that outside the room but we do not have the time for speeches.

Mr Lyon: Good afternoon. My name is Ken Lyon. I am the chair of the environmental quality committee of the Board of Trade of Metropolitan Toronto.

We are grateful for this opportunity to make our presentation to you today on behalf of the 15,000 businessmen and women who comprise the membership of the Board of Trade of Metropolitan Toronto. As the largest business association in the GTA, we are compelled to highlight the concerns of the private sector with respect to Bill 143.

Unlike many of the other deputants who conducted a clause-by-clause assessment of Bill 143, we will express our concerns with the underlying implications of the bill and conclude with three recommendations.

First, let me start by giving you some background information by listing a series of events that preceded the introduction of Bill 143. Over the past few years, a number of unnecessary restrictions have been imposed or contemplated regarding the disposal of waste in the GTA. Here are some examples that have increased the cost and reduced the options for efficient waste management in the region.

The province, without consultation with either the municipalities or the private sector, eliminated interim landfill site proposals in the GTA, proposals to export Metro waste to willing host communities outside the GTA and any consideration of waste treatment technologies such as energy from waste.

At the same time Metro Toronto, also without consultation with the private sector, introduced rapid increases in disposal rates. When Metro was faced with a potential gap in landfill capacity, it introduced proposals to ban some materials from landfill sites which have little immediate potential for recycling. Metro even introduced a proposal to ban all industrial, commercial and institutional waste from its landfill sites.

In 1992 we are faced with Bill 143, which continues the trend towards inefficient management of waste. The board of trade is concerned that enactment of Bill 143 will not improve the operating environment of the private sector and will not benefit our environment or our economy.

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With respect to part II of the bill, we are concerned that arbitrary elimination of viable options, such as incineration and the transportation of waste from the primary service area to any other area, will ultimately lead to an overall increase in the cost of waste management without necessarily offering better environmental management. This additional cost will have to be paid by the taxpayer.

The board is also concerned that implementation of part IV of the bill will affect the competitiveness of Ontario manufacturers. For example, the proposed regulation in the initiatives paper focuses on packaging manufactured in Ontario rather than all packaging sold in the province. These regulations would place additional compliance costs on domestic packaging manufacturers and impede their ability to compete against foreign and out-of-province manufacturers. The board feels strongly that these measures are unnecessary at this time because the packaging industry is confident that it will meet and exceed the reduction targets of 25% by the end of 1992 and 50% by the end of the year 2000. These are packaging reduction targets agreed upon by all provincial governments and the federal government as well as the packaging industry and the national packaging protocol.

The board believes it is the role of government to consult with other government authorities as well as with the private sector in order to establish optimal solutions for the management of waste. This consultation should lead to the establishment of a clear and consistent legislative framework within which the private sector can operate.

We have listened to some of the deliberations at these hearings and we have read Bill 143, and it is not clear to us what the role of the private sector will be with respect to waste management if this bill is enacted. We have heard from previous deputants that the private sector can operate waste management facilities more effectively and more efficiently than the public sector. We concur. The cumulative budget of the Ontario Waste Management Corp is one example of government inefficiency. We believe private industry must implement its own programs in order to meet government objectives and guidelines. Based on our con-

cerns, the Board of Trade of Metropolitan Toronto has three recommendations.

1. Ontario waste management regulations be developed in partnership with federal and other provincial authorities as well as with private and public sector stakeholder groups. This approach would foster development of a clear legislative framework within which the private sector, along with the public sector, can accelerate the 3Rs initiatives for the good of our environment.

2. All viable options must be considered in solving the solid waste management problems, including the export of waste and waste treatment technologies, such as energy from waste. Too much emphasis on one or two options will result in an inefficient allocation of our environmental and economic resources.

3. The province of Ontario should conduct a cost-benefit analysis, with life-cycle accounting of all proposed regulatory measures that have significant tax implications to both consumers and businesses. Although we recognize that environmental factors should be foremost in the development of waste regulations, we believe there are less expensive ways of achieving good environmental management than those ways proposed by Bill 143.

Ms Haack: We thank you Mr Lyon for your comments. I would like first of all to make it clear that I am from a riding that is outside the GTA. One of the areas actually immediately adjacent to me would probably be receiving any toxics produced in Ontario. It is going through an environmental assessment hearing, but the local residents definitely have great concerns about exactly the exportation of all Ontario's toxic wastes to Lincoln county. They are not particularly happy thinking that they are going to pay for your wastefulness. That really does raise some issues.

But I want to address page 3 of your comments relating to the national packaging protocol. We should make it clear that the regulations based on the initiatives paper will be consistent with the national packaging protocol. In fact, there will be a model for the regulations to implement the protocol, so the waste reduction office has really indicated that the regulations will apply for all packaging sold in Ontario. I believe that deals with the competitive aspect, which I believe you raise here on pages 3 and 4 of your submission. Could you please give me your reaction to the question on packaging?

Mr Lyon: If I can clarify something, you said Ontario will follow the model regulations.

Ms Haack: Yes.

Mr Lyon: Then why was Bill 143 tabled, if those regulations have not been developed yet?

Ms Haack: It is all enabling legislation, which means all this gives legislative clout to all the regulations. That is the phrase, "enabling legislation."

Mr Lyon: The board of trade's primary response is that it believes the role of government, in consultation with the stakeholder group, should be to set standards and objectives, and it is the role of the private sector to design programs to meet those standards and objectives.

Ms Haeck: Would you not think that the national packaging protocol is the standard?

Mr Lyon: The standard or the objective of the protocol is to achieve certain reductions in packaging. The board of trade believes that, in consultation, the private sector should develop the programs to achieve those standards rather than be faced with the scenario under Bill 143, which would enable the provincial government to design reduction programs to define specifically what are wastes, what packaging would have to be reduced. I am not sure that—

The Chair: Thank you, Ms Haeck.

Mr McClelland: What we see here is essentially the problem the business community has in Ontario. We have a minister who says, "We are going to lead the country. We are going to step out of sync with the rest of the country," and who says, "Mark my words: Ontario will be at the forefront of packaging legislation and we will have regulations that are more progressive than any other jurisdiction in the country." In fact, she says that internationally. She goes to the United States and boasts that Ontario will lead North America.

Then we come back in committee—no disrespect to the backbencher for St Catharines-Brock who says: "No, the minister is not quite right. I will qualify the minister's statement. We're going to be in sync with the national protocol."

Here is the problem when you come to page 4, "a clear and consistent legislative framework within which the private sector can operate." That is the nub of the problem you have hit on. Currently, with the provisions of Bill 143, part IV, which you refer to, in the general scheme of it there is no assurance of where the private sector fits in. There is no sense of consistency in terms of the drafting of the bill. But even within the context within which it was drafted we are getting mixed messages. I would like you to comment again about a clear and consistent legislative framework in which the private sector can operate.

Mr Cousens: Are you starting to support Bill 143? I think he is starting to fall in line with the New Democrats.

The Chair: Mr Cousens, I am deducting the time from your caucus time.

Mr McClelland: We do not know what is happening because of the uncertainty about what is happening. I would appreciate your comments in terms of your concerns for the private sector. What you are saying here is that there is no clear, consistent, legislative framework. Are we with the national protocol or are we with what the minister has said, that we are going to lead? Do we have the private sector waste management companies involved or do we not? They say they do not feel comfortable. We hear the communities saying, "We want you here. We are not sure where you fit in, but we want you here." What kind of the message is that sending to the business community generally in Ontario.

Mr Lyon: With respect to the environmental issue, the message it is sending to the business community is that the proposed bill will not necessarily offer better environmental management, and we are looking at two reasons for

that. Number one, especially in 1992, we believe something like Bill 143 will compete excessively for scarce budget dollars. Number two, we believe Bill 143 as it is proposed will impose an artificial definition on 3Rs markets.

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The Chair: Thank you. Mr Cousens.

Mr Cousens: Madam Chairman, I was teasing my honourable Liberal friend because I am hearing him—

The Chair: You are only permitted to tease, Mr Cousens, when you have the floor.

Mr Cousens: I know, but I am just coming back to say that Mr McClelland is a very eloquent spokesman against Bill 143, and the fact that he was saying those things—I was just trying to pull his leg.

It is just tragic. We have real problems with the bill. I represent a few people in Ontario who are concerned about Bill 143. You raise in your third point, "The province of Ontario should conduct a cost-benefit analysis with life-cycle accounting," and I would like to put this question to the parliamentary assistant to the minister for the greater Toronto area and ask him whether or not the ministry has done any such thing. We have touched on the other two points you raised, but that third point has not specifically been addressed to the parliamentary assistant and the Ministry of the Environment. I wonder if they have or have not, or do they understand the point?

Mr O'Connor: I believe questions have been asked before and we are waiting for the ministry officials to put together written analyses of your request, but it is coming.

Mr Cousens: That is a given then. So this question that has been raised by the Board of Trade of Metropolitan Toronto will be answered. Will it come before we have completed our hearing?

Mr O'Connor: It will be part of the process we are going through.

The Chair: I think that is a reasonable question, if you could ask the ministry officials. Will the question Mr Cousens asked be answered before we finish the public hearing component of our deliberations?

Mr Merritt: It would be useful to get clarification of your question. The question we are preparing to answer was Mr McClelland's question regarding studies we had done on the effects of costs on the private sector. If that is consistent with the one you want to ask, then we will be bringing that forward.

Mr Cousens: I defer to the board of trade on what they are asking for us. Maybe you could just clarify what it is, a cost-benefit analysis with life-cycle accounting, and if that indeed is going to be coming. Maybe you could explain to him just a little bit about what it is you are asking for in point 3, because I am going to take that question and ask that they answer it specifically.

Mr Lyon: The board supports the notion that we want good environmental management. There usually are a number of different ways of achieving that. No one has sat down and figured out what the different proposals are going to cost. If we can achieve the same thing by doing it less expensively, let's take that approach.

The life-cycle accounting refers to doing the cost-benefit analysis over the lifetime of a material or over the lifetime of a waste. For example, with a bridge or a road, you do not just look at how much it is going to cost to build it. You also look at how much it is going to cost to maintain it over the lifetime of that structure.

Mr Cousens: Does the ministry understand what it is that has been suggested in point 3?

Mr O'Connor: We understand it. To get a further clarification so perhaps the deputant can get a better understanding, we should ask Drew Blackwell to give a brief synopsis of the initiatives paper and how the whole process comes together and how it effects the national protocol. I think that will answer your question.

Mr Blackwell: Under the national packaging protocol, there are different steps involved for establishing any regulations across the country. In the first case, what we need is to make sure that all users of packaging are identifying to the best of their ability what packaging they were using in 1988, what changes have been made and what changes are intended to be made over the upcoming period.

After this identification has taken place, which is simply to make sure we can measure accurately whether or not the targets are being met, there will be discussion among all stakeholders on whether or not there can be sectoral targets established within specific sectors. At this point there are no sectoral targets. If such sectoral targets are established, then the question will arise whether or not it is necessary to pass regulations to bring those who do not voluntarily reach those targets into compliance. That question has not yet been addressed. Perhaps it will not have to be addressed if the targets are met without the need for it.

The regulations that are proposed in Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1 are of the first kind. They only deal with the requirement to undertake an analysis of packaging that is in use and the plans for reduction of that packaging. It is true that as the regulations are presented in initiatives paper 1, they only address manufacturers of packaging within Ontario. We have received many comments that this is a fault with the regulations, and I indicated on Monday in my opening comments that we have already agreed within the context of the National Packaging Task Force to make sure that change takes place. We will be working with the regulatory subcommittee of the task force to make sure that our regulations become the model regulations for jurisdictions across Canada. There is a commitment within the task force to work in that direction.

The Chair: Thank you for the clarification. I hope everyone is ready to proceed and move on. I have one minute left for questions. Did you have a question you want to put on the record, Mr Cousens? Just the question.

Mr Cousens: Perhaps the board of trade could elaborate on what it means by life-cycle accounting and a cost-benefit analysis as it pertains to the way in which the ministry just answered the question. If there is anything further that could be helpful in having that cost-benefit statement, I would be very interested in further feedback

from yourselves to this committee so that we can get that kind of balanced answer.

Mrs Mathysen: You suggested that transportation and incineration is an inexpensive way of dealing with the garbage. We have heard that an incinerator can cost up to \$500 million to build. How can that possibly be cheaper than 3Rs and a well-thought-out waste management strategy?

The Chair: Is everyone happy? Thank you very much for your presentation today. The questions that have been placed on the record will be provided to you by our clerk. We would appreciate it if the board would respond in writing so that the committee can consider it in the course of our deliberations. We appreciate your coming before us today.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair: I would like to call next the Canadian Environmental Law Association. Would you please come forward and begin by introducing yourself for the committee. You have 20 minutes, and we would appreciate if you would leave as much of that time as possible for questions from committee members. Would you please begin your presentation now.

Mr Makuch: Good afternoon, committee members. It is always a pleasure to be dealing with our elected representatives when it comes to environmental initiatives. At the federal level there has been very little of that lately, so of course we are looking to the province to take a leadership role. Looking around the room, I think there are a couple of people I would like to single out for their exemplary work on 3Rs initiatives with the minister's office: Mr Drew Blackwell, and Ms Linda Pim, who has been very helpful on waste management issues.

The way I would like to conduct this session is not to read something to you, because that is boring and it often loses some of the detail that you can catch simply by reading the brief. I would like to speak in a more informal fashion, identifying five or six points and then leaving as much time as I can for questions. I expect that after I blather on for about 10 minutes or so, we can engage in some kind of dialogue or discussion.

The way my presentation is structured is as follows: I will let you know a little bit about what CELA does and what we have been doing specifically with respect to the Waste Management Act and the draft regulations, and then I will speak about the key points, basically, in the Waste Management Act and make a few comments about the draft regulations themselves.

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Our organization is an environmental law organization that has been in existence for 20-some-odd years. Basically there are two streams to the work we do, one of which involves working in the public interest, representing citizens' groups or individuals in court before various tribunals and so on, basically protecting environmental rights or sometimes upholding legislation when governments are reluctant to do so. The second aspect to our work involves what I am doing here today, namely, consulting or advising or lobbying with respect to environmental law or regulations in

the hope that the environmental initiatives and our perspective are generally bought by our elected representatives.

As far as our involvement in the Waste Management Act and specifically the draft regulations is concerned, we have been very busy. We were consulted on a couple of issues early on, before the legislation came forward, one of which we had some success with and another which we did not have success with. I will complain about that again today. With respect to part II, we hope to secure the protection of citizens' rights and to guarantee a more public process around the three sites mentioned. We have attempted to do that by way of having the designation of those three undertakings under the Environmental Assessment Act. That is something the province has obviously agreed to do, although we would like to see a formal statement to that effect in part II.

Second, we discussed the interim expansions at Keele Valley and Britannia and did not have very much success in translating our perspective into some form of legislative or regulatory recognition. I will speak more directly about that in a minute. Essentially we argued several months ago that the interim landfill guidelines, which are the MOE guidelines for the expansions that are taking place at Keele Valley and Britannia, should have been observed.

Logically they ought to end in an Environmental Protection Act type of hearing. Our sense at that time was that both Keele Valley and Britannia should have been subject to that set of guidelines. We have our doubts about how that might happen with respect to Britannia now, but it seems the time lines and capacity allow for some consideration of the guidelines in terms of the Keele Valley processes that will take place. In essence, we are after at least an Environmental Protection Act type of hearing with respect to Keele Valley.

As far as the draft regulations went, the Canadian Environmental Law Association was very active in creating a multistakeholder committee at the Metro Toronto level around waste reduction initiatives, and came out with a report entitled *It Can be Done: 50% Diversion by 1993*. Our feeling is that much of what is in that report is now reflected in the regulations, and for that reason of course we support it.

Finally, I have put together a few documents myself critiquing Bill 143 and the draft regulations, which were circulated to 100 environmental groups across the province. Some 35 of them have since signed on to those comments and they have been forwarded to the waste reduction office.

As far as the key points go, let's go through each of the parts one at a time. I will identify my most significant concerns. As something of a preamble, let me state for the record that the Canadian Environmental Law Association made it known publicly that it is absolutely opposed to incineration as something of an alternative to the 3Rs processes when it comes to dealing with waste. There are a number of reasons for that. It came out a few minutes ago that it is economically troublesome to begin with. Studies have indicated that even in test burn situations, which use optimum conditions, incineration has produced the kinds of ash that are very toxic. Our experience in the east-end

community representing various groups has been that middle-aged people are developing asthma all of a sudden, and I think that can be linked to incinerators.

Beyond that, on the export issue, like the incineration issue, we are concerned that both those options create an out-of-sight, out-of-mind mentality when it comes to dealing with our garbage. Our perspective is that communities ought to deal with their own garbage and that we should not transport our problems to other areas of the province.

Now that this is clear, let's go directly to the legislation itself. We do not have much difficulty with part I. We understand some of the concerns raised by Liberal critics around expropriations and so on. We do not share those concerns. We are concerned, however, about parts II and III, which raise the most difficulty from our perspective, especially part III.

Part II is something that troubles us only to the extent that we would like a statement saying that the three undertakings will be subject to an Environmental Assessment Act type of process, with the caveats that are already mentioned in the legislation.

As far as sections 13 and 14 of part II are concerned, we are not very clear whether the Interim Waste Authority will be doing any independent work on 3Rs analysis in terms of establishing capacity and so on. My sense of it is that we should encourage that sort of thing simply because the numbers on capacity seem to fluctuate so much from one source to the next.

As far as subsection 14(2) goes, that is where you have the no-export provision. I have a concern about the way that may be contradicted by section 29, because it seems to us that the minister can make orders of an export nature. There has to be some clarification of the intention of subsection 29(2), our sense being that it is not really the intention of this government to engage in any wholesale export of waste. I think that may be something of an interim measure, given the garbage gap situation.

As far as the section with respect to participant funding is concerned, there needs to be some further clarification of the law here. We know the central thrust of that statement is to give public interest groups an opportunity to be more involved in the decision-making processes, but there is no mention of what sorts of procedures will be involved in providing participant funding. The clarification we would like to see is that the Intervenor Funding Project Act procedures be used for the determination of that type of funding, and second, that the proponent of course would be responsible for the funding.

Then on to part III; the point is an essential one. If you review the interim guidelines, you will know there is a set of established processes through which various bodies must travel to ensure that the health and safety of residents close to landfills are protected and that the environment is protected. We are very concerned about the integrity of the environment when it comes to Keele Valley and Britannia. We feel there should be some fuller process of public involvement, indeed empowerment through a hearings process, rather than simply a consultative one. I think that is completely feasible with respect to Keele Valley. I have concerns about the obvious time lines on Britannia, but

this government should be taken to task for not having engaged the guidelines at an earlier period in time.

With respect to section 29, I understand that it will not be the director, an unaccountable bureaucrat, making decisions on the emergency powers provisions use, but that this will be kept with the minister. That is certainly an amendment we support. It is important that elected and politically accountable officials make those decisions. It is inappropriate that a bureaucrat with less accountability should be given that kind of awesome power.

As far as part IV goes, as I said a few minutes ago, we had a good deal to do with the development of those ideas and concepts. Even though I am aware of the concerns of industry, especially with respect to the waste reduction and packaging audits, my sense, from speaking with people like the Grocery Products Manufacturers of Canada and their constituents, is that this is not cost-prohibitive. Likewise, when it comes to source separation in the industrial, commercial and institutional sector, after speaking with politicians and making various presentations, it becomes clearer that many of the municipalities already have some source separation projects under way. My sense is that if residents have to do it, why should not the ICI sector? This is not necessarily cost-prohibitive, even in a recession.

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I suppose that aside from giving my qualified support to these initiatives, it would have been preferable if the economic structure, the economic instruments were laid alongside the initiatives paper. I look forward to seeing what the waste reduction office proposes with respect to product stewardship issues, creating or enhancing markets for recyclables and using other economic instruments to make these kinds of environmental policies viable.

That essentially covers off what I wanted to say to all of you, so I invite questions.

Mr McClelland: We are very limited for time, so I guess we will have to focus our questions and exchange comments on one or two matters. We have just been told we have two minutes, so I suppose we will limit it to one.

You mention on page 3 that you have some concerns with respect to part II, that there is no explicit clarification for a long-term site selection process being designated under the Environmental Assessment Act. One of the great concerns that was raised initially when this legislation was first introduced in the House was that very point. It is important to recognize that. I do not want to add a sense of value judgement to your statement, but during your presentation it was sort of, "By the way, they've left it out." I would like your comment on that. I feel, and we in the official opposition feel that this is vitally important. I do not want to prejudice your position with that, but my sense was that you saw it as a bit of a problem. I would like to know what weight and what import you put on that.

In your appendix, in point 2.1 on page 2, you say, "It is remarkable that a government committed to public participation and open forums for decision-making should make 'streamlining the current approvals process' synonymous with removing public participation and public accountability from decisions about all aspects of recycling sites," and so

on. That is essentially the flaw in the whole scheme in terms of parts I, II and III, quite frankly, the fact that it tends in my view to overrule all the fundamental laws of this province, the history, the evolution of law that has supported citizen participation. I would like your comment, please, with respect to the impact of Bill 143 in terms of overriding the Municipal Act, the Environmental Assessment Act, the Environmental Protection Act, and all the other acts, and the catch-all phrase that says "everything else in case we've missed it."

Mr Makuch: My first comment addresses the first question you raise. The reason I was rather matter of fact about designation of the three undertakings under part II is that we have received the assurance that this government shares your concerns in this matter and that those three sites—

Mr McClelland: The people at Keele and Britannia received a lot of assurances too.

Mr Makuch: All right, that is a separate section and that is—

Mr McClelland: It is the principle—

The Chair: I have to ask you to take Mr McClelland's question as notice. If there is time at the end of the other questions, you can answer. If not, it will have to be answered in writing. Mr Cousens, you have the floor.

Mr Cousens: Was your group at all involved in consultation with the Ministry of the Environment prior to the release of this bill? One of the concerns we have had throughout our discussions on Bill 143 since it was released on October 24—the minister wanted to have it passed on December 19—is that there had been very little consultation prior to its tabling in the House for first reading. The minister was even reluctant to have it come out for public hearings. Had it not been for the combined forces of both opposition parties, we would not be here today. I just want to know, because of your involvement in environmental matters, the degree to which you were involved with the ministry prior to its release.

Mr Makuch: To the extent that we were working on export and incineration issues at the same time the ministry was, and that we made certain public statements about that, they were very aware of what our position was going into the development of the Waste Management Act. I share your concern about the attempt to push this legislation through by December 19, but it seems to me that we have achieved the necessary opportunity for a fuller public consultation and these hearings basically deal with my concerns in that regard. I am satisfied that what is taking place at the present time is much closer to my idea of how we should proceed with this kind of legislation than one of trying to get the legislation through by December 19.

Mr Cousens: But you had no involvement with the ministry in the development of the bill or in discussions.

Mr Makuch: I think the ministry was aware of the environmental community's concerns around part III.

Mr Cousens: Because of your legal background, do you have any suggestions on how the Environmental Assessment Act can be changed and improved? Have you ever

done any studies on that? I would be most interested. I know we are running short of time. We have such a rough Chairman. But if there were something on that, that happens to be an area—I am really interested in seeing how we could approach it to—

The Chair: I have to ask that you take Mr Cousens' last question as notice and perhaps give us a reply in writing as there is not sufficient time to answer that question verbally.

Mr Wiseman: I am going to try to get my question in very quickly so I can hear the answer. Thank you for your kind remarks about the government providing leadership in the area of waste management.

You advocate an EPA hearing on the extension of the Keele Valley landfill. I know the minister has thought about this and has put a lot of time and effort into working that through. Have you any idea how a hearing could be done? Sometimes they can be really short and other times they can be dragged out for ever. What kind of comments can you give us in terms of that kind of background, not to mention the length of time it takes to get a bill through the House?

Mr Makuch: My sense of it is that because a lot of scoping takes place and because a lot of studies have already been done with respect to those two sites, a hearing could take as little as a month to six weeks. The biggest problem we have had so far is securing the participation of the municipalities as proponents in cooperating with the province on doing the studies and facilitating that dialogue. That is where we are running into a logjam. My appeal is to the municipalities and the province to work together to ensure a more public process, one that empowers communities to deal with these issues in an open forum like a hearing, and one that protects the integrity of the environment in a way the present approach probably will not do sufficiently.

The Chair: Did you have another question you want for the record?

Mr Wiseman: I was just going to say that this lack of cooperation and dedication to a common goal is what holds up a lot of these hearings. It is very difficult to get that kind of cooperation to do that kind of consultation.

Mr Makuch: I recognize that difficulty. I think the province has taken on this responsibility because the municipalities have dragged their agendas and have postponed any action that is effective on both disposal issues and, as well, waste reduction, so it is to be rewarded for that kind of courage.

The Chair: Thank you very much for your presentation. If there is additional information you think would be helpful to the committee, we would certainly look forward to hearing from you in writing. The questions that have been placed on the record as notice will be made available to you by the clerk. If you can provide us with a written response before February 14, it will become part of the public record. If it is after February 14, it will be distributed and considered by all members of the committee.

VAUGHAN CARES

The Chair: I would like to call Vaughan CARES next and ask that you come forward. You have 20 minutes for your presentation. All members have received a copy of your written brief. If you would begin your presentation by introducing yourself, we would appreciate that. Please leave as much time as possible for questions from committee members. Please begin your presentation now.

1610

Mr Ferri: My name is Mario Ferri and I speak before you today as the president of Vaughan CARES, the Committee of Associations to Restore Environmental Safety. We are a group of residents, ratepayers and environmental groups that reside in the city of Vaughan. Our concerns, however, are the concerns of the responsible residents of Ontario.

Our message today is simple and direct. Bill 143, part III, is in violation of environmental rights and protection and as such it must be removed from Bill 143. As it currently stands, Bill 143, part III calls for the extension of the Keele Valley landfill site while completely disregarding all legal rights and protection that citizens of Ontario have come to expect.

Much to our dismay, we learned of this pending piece of legislation through a third party in the middle of a municipal election. The contents of the bill struck much fear and horror into the hearts and minds of those in the near vicinity of the Keele Valley landfill site.

This bill, if approved as presented, will deny the citizens of Ontario, and indeed those of Vaughan, any legal recourse through existing legislation such as the Environmental Assessment Act, the Planning Act, the Municipal Act and the Ontario Municipal Board Act.

From the perspective of many, this bill as introduced is perceived as an act bordering on environmental terrorism: Disregard legal contracts, dispose of any certificates of approval, and in order to comply that consent or approval shall be deemed to have been given. These, in paraphrase, are the directives of Bill 143.

Living with a 30-year history of dumping in our community, we have suffered from the numerous negative social and environmental effects of Keele Valley. Over the past five years, however, Vaughan CARES, in association with its many members, has struggled to regain some control over our community life. Today, with much resolve we continue this fight. Not only have we chosen to speak for the residents of Vaughan, but for those Ontario residents who are not directly affected yet. Many are not before you today, for they do not know the hell of negotiating a community life next to a megadump. They know little of what it is like to face upwards of 1,400 trucks daily, spewing tonnes of intoxicating exhaust fumes, regular spillage of garbage on roadsides, graduating and irritating noise levels, breathing on a regular basis the cloud of dust blanketing the community, the rampage of seagulls swarming and squealing throughout the community, the mental anguish and psychological stress of wondering what health risks we expose ourselves and our children to, the rampant, menacing and migrating rodents that move about freely, the fear of

this cycle never ending, and now, adding to this, the knowledge that under this bill no legal recourse, no rights and no place of legal refuge exist where we can seek shelter.

The prospect of a government edict clearing the way to site a megadump in the midst of their community without legal recourse or appeals would, I am certain, cause many residents of Ontario to rise up with great resolve and anger to demand justice and protection, as we undertake today. We call upon the committee members and the members of the NDP government, who prior to their election enjoyed the title of champions of environmental and social justice, to reconsider Bill 143 and omit part III. In rewriting the bill, I hope you will consider the following principles and entitlements which the people of Ontario aspire to:

1. Restore public trust in the process of public consultation. Demonstrate that the government of Ontario is not prepared to set this very dangerous precedent of stepping on the rights of Ontario municipalities and individuals, by withdrawing part III and thus clearly displaying that you have listened, that you have heard and that you have acted on the advice received through this committee process and public consultation.

2. Enshrine social equity in the rewriting of the bill. Demonstrate that no one community is expected to be burdened by the responsibility of accepting garbage and disposing of it with little or no regard for social, environmental and economic impact.

3. Commit to environmental integrity. Demonstrate your acceptance that our ecosystem provides the framework for all forms of life and requires protection and enhancement. Political expediency must not override the need for effective environmental assessments and processes to ensure the health and wellbeing of our residents, wildlife and natural ecology.

4. Adopt a preventive approach and reduce remedial initiatives. Demonstrate your commitment to avoiding the need for landfilling by expanding your commitment to waste reduction through mandatory source separation by all waste generators of raw materials that can be reused, composted or recycled; storage of used materials for which separation recycling facilities have yet to be established; introduction of appropriate and overdue legislation pertaining to returnable bottles, cans and other materials.

5. Assure a legacy of safe and stimulating environment for future generations. The citizens of Ontario have a right to expect protection that is fundamental to everyday life. This bill in its nature ignores fundamental rights, allocates an exorbitant amount of power to bureaucrats and prevents citizen involvement in a public process. Surely this is not the legacy we wish to leave our children.

Members of the committee, as prudent politicians I ask you on behalf of the citizens of Ontario to recognize the impact this bill will have today and in times to come. I ask you to remove part III from this bill and rewrite it in the context of what you have been hearing from the various presenters throughout this process. It seems ironic and contradictory to me that it is here in Ontario that citizens must come out and fight for basic and fundamental rights to protect their environment, to protect their communities and to protect their valued way of life.

Mr Cousens: Mr Ferri, I appreciate your presentation. I think it is a very impressive presentation on the way in which the people of Vaughan have constantly and consistently stood up for what they believe and on the way they have expressed it. I also want to compliment you on the outstanding presentation made by the mayor and legal counsel for Vaughan, who were representing the interests you are speaking of so well on today. I want you to know that it was an outstanding statement. As well, the region of York came with Chairman Eldred King and his council and gave us a presentation.

We had a presentation this morning that also touched our hearts and minds, by Lyn MacMillan. She referred to the time Mr Rae visited—and she mentioned Vaughan CARES—and she said, and I am quoting from her report and I want you to comment on this: "Premier Rae came to Maple before the election. He stood with us on the edge of this enormous, horrendous mass of putrifying garbage right in the heart of our town and promised us that there would never be any extension without a full environmental assessment hearing if he were elected. What hypocrisy." I am wondering whether or not you could verify that statement of the pre-election promises made by Mr Rae and the New Democrats as to what they were going to do with the Keele Valley site, and whether or not you feel they have lived up to those expectations.

Mr Ferri: It is a very well known fact that this was an event that took place. In fact, the Premier made two trips to this particular site, announcing that there would be no expansion or extension without a full environmental assessment and we were overjoyed by that promise. Of course, it was short-lived. A month after this happened there was a motion to begin proceedings to expand Keele Valley, so we were terribly disappointed. It is that public trust we are asking be reinstated through the amendment of this particular bill. We were heartened by the commitments made, not only by the Premier but also by the minister.

Mr Cousens: You met with Mrs Grier, too?

Mr Ferri: We met with the minister well before the election on two occasions and she assured us that under their leadership this travesty would not be allowed to continue and we took heart from that as well, and so you can see that there was a double—

Mr Cousens: How much longer do I have?

The Chair: You have two minutes.

Mr Cousens: I am going to pass the time to Mrs Marland. Is there anyone who was there when Mr Rae and Mrs Grier made these statements, so that I could have some kind of proof that it was said? It seems to be hearsay and I have not been able to get the evidence from Mr Rae that he ever said it. He will not admit to saying that.

Mr Ferri: The commitment to the environmental assessment was made by then-candidate, now-Premier Bob Rae with the local candidate.

Mr Cousens: Were you there?

Mr Ferri: I was not there at the time it was made.

Mr Cousens: I cannot find anyone who was.

Mr Ferri: The candidate who ran in that riding was there. She made that remark to me and confirmed the fact it was made, so that would be another way to get that.

1620

Mr Wiseman: I want to begin by saying that this decision within this bill is not one any of us have taken lightly. It was a very major decision and it represents some considerable angst on the part of a lot of us. I do not know if you can recognize that fact. As a founding member of Pickering Ajax Citizens Together, or PACT, in 1987, I have been confronted with a similar situation as you have with the Brock West landfill site, and prior to that the Beare Road landfill site since 1962.

The devastation you describe in your community is felt throughout Pickering in an equal amount. There are days when the seagulls land at the Pickering town centre and cover the parking lot from one corner to the next. The number of trucks that go in there have averaged one a minute for 15 years. There are evenings when you cannot sit in Pickering, even as far away as southern Ajax where I live, when the Brock West landfill site will not disturb your enjoyment of your own property.

It is not easy for me to sit here and make this kind of decision. But at the same time as I say that, the region of Durham put Pickering back on the table with the P1 site under the Environmental Protection Act, which would again subject the people of Pickering to that process. The township of York used Keele Valley as its interim site under the same short-term circumstances. So I can sympathize with you.

But the one thing in this process that I have a great deal of faith in is the section of the Interim Waste Authority draft document that says consideration should be given to municipalities and towns that have already suffered the long history of landfills and that this fact should become one of the major criteria in the siting of any long-term sites. If this bill fails, that fails too. I would like you to make some comments on that part of the process.

Mr Ferri: With respect to the approaches to the bill and so on, I am not familiar with how it works. However, our contention is that if you remove part III and continue with the other parts, it may not require that to happen. I am not familiar with whether that is possible under your procedures.

But the fundamental issue here is, do we have rights and do we have recourse to legal processes or not? The bill clearly states that we do not. I think that is the overriding issue. I am not prepared to give up the right to appeal, the right to intervene in a way that is fair and equitable to residents of Ontario. I am not prepared to give that up.

Mr McClelland: Let me start where you concluded. It seems ironic that we are here fighting for some fundamental rights, and that is what you said. I might suggest, sir, and to those who might be watching, that unless people like yourself come out in force and make their displeasure known, I am afraid that based on what we have heard so far from members of the government caucus you had better be prepared to live with the impact of Bill 143.

I agree with you that it is fundamentally unjust. As was so well said this morning, it is contrary to everything that was promised. As you so well pointed out, it is a complete reversal of the "principles and entitlement which the people of Ontario aspire to." They were principles that were enunciated as you say, by the then-candidate for Premier. Basically the message is, "We have principles, but if they do not fit we will have other principles, and if you do not like those principles, we will have other principles, and whatever principles we want, we will act on." There is no consistency whatsoever.

You say, sir, in your brief on page 2 "but for those Ontario residents who are not directly affected yet" the implications of Bill 143 are very evident. I congratulate you for pointing that out.

We heard representation from the Association of Municipalities of Ontario that the government will say, "We won't use that authority," but the authority lies within the bill to impose by regulation the draconian measures of Bill 143 anywhere in the province.

I would ask you, and the people of Ontario, to respond to a government that would say: "We won't use that authority and we won't use that power. Don't worry. Trust us, because we may not even have to go ahead with the lift on Keele. We may find a way to proceed and give you a full hearing." This morning Mrs MacMillan said that is, to use her word, "rubbish"; no pun intended. That is exactly what it is. Given the potential impact of Bill 143, how do you respond as somebody who represents Vaughan CARES to the assurance given by this government to the people all across Ontario ultimately: "Not to worry. Trust us. We have principles"?

Mr Ferri: It is difficult to accept the fact that already we have a certificate of approval, which represents a legal document, that is about to be scrapped. We have promises that were made to us during the election. We have a number of other commitments that have been made to us, but there is very little evidence of this actually coming to fruition. We stand by the notion that we must have legislation to protect, and ways of enforcing the legislation, that will be equitable across Ontario. I am not satisfied with the promises. I am not satisfied with the potential of it not being used. I am fearful of those kinds of commitments. As it is, we have grown to doubt even existing legislation, because it too can be overridden with the stroke of the pen at a very easy pace, and we are fearful of that.

We hope the committee and the government will recommend enforceable legislation so that we can reassure our residents that there are protections and ways of recourse and appeals in the event that those are not upheld.

Mrs Marland: You were talking about the promises made by the now Premier and the now Minister of the Environment. It is hard for you to say how you recall hearing that they stood and made these promises at that time. They did the same thing in Peel. Certainly I know there are television clips available. Does any of your group have access to those news clips that show them making these promises? They did it in Marmora as well, beside the pit.

Mr Ferri: Unfortunately we did not request a copy of that for our files, thinking that this is potentially the Premier of Ontario and that his word would be sufficient. We were unfortunately of the belief that would be sufficient. We did not request it. We have been searching that out. We have not as yet been able to secure that, but we will continue the search.

The Chair: On behalf of the committee, I would like to thank you very much for appearing before us today. If there is additional information that you think would be helpful to us, you can submit that in writing over the course of our hearings. Do you have a question for the record, Mr Wiseman?

Mr Wiseman: Yes, I do. Actually I have two. If the extension of the Keele Valley landfill site does take place, what would you recommend as the minimum public consultation that should occur? There have been proposals for community involvement and for a shortened hearing and what are your thoughts on that? The second question is, if this section of the bill were to be deleted and the garbage gap appears, how would you suggest meeting the need for a landfill site in the future?

The Chair: Do you have a question for the record, Mr McClelland?

Mr McClelland: I do and I want to give credit that the genesis of this question lies with Mr Cousins. Mr Ferri, would you, as president of your organization, canvass your membership to determine which individuals, if there are any individuals, were present and can give a firsthand accounting of what they heard spoken by the now Premier and the now Minister of the Environment with respect to promises you have referred to. If you would be good enough to canvass your membership and advise both Mr Cousins and myself, and indeed all members of the committee, we would appreciate that.

1630

The Chair: The questions that have just been asked will be given to you in writing by the clerk and we would appreciate it if you would answer in writing. As I have said before, if we receive them before February 14, they will become part of the public record. If it is after February 14, it will be shared with all members of the committee.

W. J. PALMER CONSULTANTS INC

The Chair: I would like to call next W. J. Palmer Consultants Inc. Please come forward. You have 20 minutes for your presentation. We ask that you begin by introducing yourself to the members of the committee, and if possible leave as much time as you can for questions from committee members.

Mr Palmer: My name is Bill Palmer. I am the president of W. J. Palmer Consultants Inc. We do environmental management consulting. My firm operates out of and I live in St Catharines in the beautiful Niagara Peninsula.

Ms Haeck: That it is.

The Chair: Ms Haeck agrees with you.

Ms Haeck: That it is beautiful.

Mr Palmer: First, I would like to thank the committee for accepting my request for an appointment, allowing me the opportunity to convey to you my thoughts regarding Bill 143.

My background in waste management and the environmental field extends over a period of 12 years. From 1980 to 1990 I was employed by one of Canada's leading waste management companies. My responsibilities included dealings with private sector waste generators, municipalities, and regional and provincial authorities. Dealing with non-hazardous waste during those 10 years, I am very familiar with the process of collection, landfilling, incineration, blue box, reduction, reuse and recycling. Two years ago I formed my own company and as a consultant on environmental issues I continue to deal with the same classification of clients previously mentioned, as well as waste management companies of all sizes.

I am very familiar with terms like "corrugated cardboard problems," "old tires," "newsprint glut," "reduction in the prices of recycled commodities," "refillable bottles" and the "garbage gap." As an individual who is seriously concerned about the environment and its effects on our future generations, I hope to leave you with some thoughts for your consideration.

I would like to make a simple one-line statement that the four parts of this proposed legislation, in my opinion, are of such a serious nature that personally I would like to have seen them dealt with in four separate bills. That is a comment, with no further discussion of that on my part.

With regard to part I, the Interim Waste Authority, I am gravely concerned when I read subsection 10(2) and see words like "force," "execute," "warrant" and "police officers." This proposed legislation does not give the property owner any rights, and the property owner can very easily become, and I quote, "guilty of an offence" under subsection 11(4).

I find these measures archaic and am very concerned that inspectors would be given such power to obtain entry to private property. I respectfully ask this committee to revisit this proposed piece of legislation and keep in mind that many foreign countries have recently fought hard for and won a battle to obtain the basics of civil rights. Please consider the consequences this legislation could have.

Regarding part II, the criteria in long-term site selection process, I find this section extremely confusing and too open-ended. Based on past practice and what is happening today with regard to the alternatives for waste disposal in Ontario, I would like to have a comfort level that the ministry has a game plan, when under subsection 14(1) the bill allows the agency to eliminate any options to landfilling other than the 3Rs. I am a strong supporter of reduction, reuse and recycling, but it would be fundamentally wrong to eliminate alternatives such as incineration and the transporting of waste outside the areas where the waste is generated.

To add to the confusion—to my confusion anyway—subsection 14(2) says the GTA will not be allowed to ship waste, yet section 29 of the act will allow directors to order other municipalities to ship or accept waste from other municipalities. I feel very strongly that this is not fair to

the GTA and it also has the distinct possibility of causing serious problems between municipalities. The GTA is not the only area, in my opinion, that has a crisis. There is a serious garbage problem throughout Ontario and I would like to see all the regions across the province work together to solve this serious problem.

A week ago tonight, Premier Rae was on television and shortly after announcing what the increases would be to the hospitals, schools and universities, he sent out a challenge. He asked for cooperation. He urged hospital boards and school boards to get together to try to come up with some unique initiatives in order that they would be able to use common denominator areas and minimize their costs. What better opportunity do we have in this province of Ontario right now to get all the regions together and to work on this serious problem that we have?

Tongue in cheek, I suggest that maybe the thousands of Ontario residents who visit the GTA each year should bring a green garbage bag with them and take back home the waste they produce.

Under subsections 13(1) and (2) I am again extremely concerned. Subsection 13(1) says the MOE will tell the agency the tonnage diversion from landfills as a result of the 3Rs programs. Subsection 13(2) says the agency will use estimates provided by the minister when determining capacity for each of the landfills. I believe the agency should conduct its own research and determine its own diversion and capacity estimates, thus eliminating the possible conflicts.

Under part III, the implementation of the minister's report, I would simply like to make two comments. Since nowhere in this proposed legislation is the private sector mentioned, perhaps when searching to establish emergency facilities as ordered by the ministry, municipalities should be encouraged to negotiate with the private sector to set up and operate such emergency facilities. I feel there would be substantial economic benefits to the municipalities when dealing with the private sector waste management companies.

My second comment is that before exercising the power to override the various pieces of legislation such as the Environmental Protection Act, the Environmental Assessment Act, the Ontario Municipal Board Act, the Planning Act etc, the minister must be satisfied that emergencies in fact do exist in view of the lower landfill volumes. They have been and will continue to be affected by the economy, by shipments of waste out of the province and by recycling initiatives. As well, a close survey should be taken to examine private sector sites, particularly those in the process of an expansion application now. If it is deemed that there is still an emergency, then the government should go through the Environmental Protection Act to establish the feasibility of expansion.

1640

With regard to part IV, the amendments to the Environmental Protection Act, I would first like to comment on section 22, which amends section 2 of the current EPA, and I quote the following subsections.

"(2) No action taken under this act is invalid by reason only that the action was taken for the purpose of the

protection, conservation or management of the environment outside Ontario's borders."

"(3) Subsection (2) applies even if the action was taken before the coming into force of that subsection."

Ladies and gentlemen of the committee, there has been a great deal of discussion recently within the private sector waste management companies as to whether or not the Ministry of the Environment is going to close down the Ontario borders to waste exporting. In view of the fact that the minister and the ministry have turned a blind eye to the export of waste from the GTA, for obvious reasons, it is imperative that this section be clarified. Is the minister going to close the borders to the exporting of waste, and if so, when?

I believe there are well over one million tonnes of waste being exported annually from the GTA. In view of the glut and the gap, etc, what will the ramifications be if this tonnage is suddenly on the doorstep? Does the ministry have any idea what the private sector waste management companies have committed to in order to export waste out of Ontario? I believe the minister should concentrate on the problems in Ontario and not on what are perceived to be problems outside Ontario. Until such time as Ontario is in a position to handle these wastes, the legal export of garbage to properly licensed and operated sites outside Ontario's boundaries should be permitted.

Further to part IV, I am concerned about the amount of control without accountability the directors could have over the waste management activities in the municipalities. The government wants the authority but has not made it clear how it is going to use the legislation. As mentioned earlier, there appears to be no consideration or inclusion of the private sector waste management companies in this legislation. Am I to interpret this to mean that waste management issues are and will be strictly between the ministry and the municipalities?

In Ontario, there are between 300 to 400 waste-hauling companies employing thousands of people. Where is the private sector involvement? I get the feeling that the government does not know the private waste management sector exists, yet the private sector has been a pioneer in many unique initiatives in waste management.

I would like to comment briefly on the regulatory measures to achieve Ontario's waste reduction targets. Section 29 states what will be prohibited under the amendment with regard to the waste generator, and I quote:

"77(1) No person shall use, offer for sale or sell any packaging, container or disposable product or any material for use in packaging, containers or disposable products contrary to this act or the regulations.

"(2) No person shall use, offer for sale or sell any product that is declared in the regulations to be a product that poses waste management problems contrary to this act or the regulations."

As there appears to be no definition of the term "waste management problem" in this legislation, I can see serious problems when trying to consult future clients on this issue since there can be many different opinions by the ministry as to what product poses a waste management problem. I simply ask, how will this section apply to imported goods

that come into the province? Answers and clarification are needed on this issue.

As time is running short, I would like to conclude my remarks by thanking those responsible for these hearings. It would have been a tragedy if Bill 143 was allowed to receive third reading and royal assent without your having heard from the witnesses who have made presentations to this committee. Having followed these proceedings as closely as possible in the time allowed, I urge the committee to seriously consider the remarks made by the presenters and to quickly assess the common denominator factors.

Consider that the power that is proposed to be given to inspectors is far too reaching. Alternatives to landfills and the 3Rs must not be ruled out. There must be public input when dealing with the GTA gap. Transportation of waste out of the GTA to other provincial regions must be given proper consideration. A thorough review of existing landfill sites in the province that are well engineered and well managed and are seeking expansion approvals must be considered.

Clarification is needed on the minister's position on the exporting of waste out of the province. Acknowledge the private sector waste management companies and let them become very much involved. Clarify the position on products that will pose a waste management problem. Last but not least, we must all continue with the education and public awareness programs that will allow us to achieve the goal of diversion of 50% by the year 2000.

The Chair: Thank you very much for your presentation. I am going to permit only questions for the record and ask you to respond in writing because of the shortness of time.

Mr Palmer: Of course, Madam Chair.

Ms Haec: I want to raise the question of incineration and transportation outside the GTA. I was wondering if you were advocating, in light of your comment on page 9, that possibly Niagara should become a repository of GTA waste.

Mr Mathysen: Since the provisions in parts I and II of the act are consistent with the Charter of Rights and Freedoms, do you feel that the much broader powers that are currently available to municipalities and other government agencies should be removed? Second, is it not legitimate that agencies acting for the public good be allowed access to lands? We heard from the mayor of Mississauga that she encountered a great deal of problems siting a landfill site because they could not access land. I wonder if you could comment.

Mr Cousens: It is hard to ask a question after such an excellent presentation, but the question has to do with the quantities of waste being shipped outside the province. I have a hard time getting information as to how much and where, so if you have anything on that, I would be—even myself alone, but with the whole committee, I do not care.

The Chair: We appreciate your appearing before the committee today. The clerk will make available to you those questions members have posed. If you wish, we would appreciate it if you would communicate the answers in writing. Further, if there is any additional information

that you think might be helpful to the committee, we would appreciate it if you would communicate that to us as well.

CANADIAN BAR ASSOCIATION—ONTARIO

The Chair: I would like to call next the Canadian Bar Association—Ontario and ask that you come forward and begin your presentation by introducing yourselves to the committee. You have 20 minutes for your presentation. We would appreciate it if you would leave as much time as possible for questions from the committee members, but as time is short, as you saw with the previous witness, if that is not possible, I will ask the committee members to place their questions on the record and you can respond in writing at a later date. Please begin your presentation now.

Ms James: My name is Erica James and I am vice-president of the Canadian Bar Association—Ontario. I have with me Joseph Castrilli, one of the prime authors of our submission, together with Marilyn Lee and Dickson Wood.

We are very proud of the efforts the Canadian Bar Association is able to put into its submissions. We are in a somewhat unique position because we are able to combine the input of both those who have to practise within the confines of the law and those who have the duty to uphold the law from the other side as the prosecution. With that I would like to hand it over to Joseph Castrilli.

1650

Mr Castrilli: I will attempt to be as brief as I can, recognizing the lateness of the day.

The focus of the Canadian Bar Association examination of Bill 143 centres on the impacts the bill may have on several key environmental statutes as well as on the institutional arrangements between provincial and municipal governments, the private sector and the public in relation to protecting the environment in the field of waste management.

In this regard, the comments and submissions of the bar association on this bill can really be divided into two main concerns: First, what does this bill do to the future role of public hearings which have historically played a significant part in waste management and environmental decision-making in this province? Second, what does this bill do to the future role of municipal governments as managers of domestic waste?

On both points it is fair to say that Bill 143 introduces confusion into the law where confusion did not previously exist. Moreover, the degree to which it can be said that this bill has the potential to cause erosion of both public and municipal involvement in waste management law and decision-making in this province is where we believe the standing committee will have to devote considerable attention in the coming days.

To assist the committee in its endeavours with respect to these two issues, we would like to provide you with several brief examples from the bill that illustrate the potential problems, which are outlined in more detail in our written submissions.

First, with respect to the issue of the role of the public, it can fairly be said that section 30 of the Environmental Protection Act is one of the cornerstones of modern public involvement in environmental decision-making in the

waste management field. It is one of the first sections of its kind in the environmental law area in Canada and has now served the province very well for the last two decades.

As you are aware, section 30 makes it mandatory for the director to require the Environmental Assessment Board to hold a hearing where the director receives an application for the establishment or extension of a waste disposal site to accommodate the waste of the equivalent of 1,500 or more individuals. It is this section in particular at which part III of the bill takes direct aim.

As the committee is aware, despite section 30 of the Environmental Protection Act, under section 18 of the bill the director may issue or amend a certificate of approval for a waste disposal site or system without requiring the Environmental Assessment Board to hold a hearing, if the certificate is being issued or amended to enable a municipality to comply with section 17 of the bill. As the committee is undoubtedly aware, section 17 requires compliance with a section 29 report of the minister directed to extension of one or more specifically identified landfills in the bill itself.

Other provisions of section 18 of the bill allow written submissions to be made by any person to the director, but the director, while he is required to consider those submissions, is not required to hold a hearing or to give any further notice in respect of any decision he or she may take. These amendments are a far cry from the situation under the existing section 30 and they illustrate the degree to which great confusion and uncertainty has been introduced for the public with respect to its entitlement to a hearing.

The bar association has recommended that the ministry clarify the circumstances under which Bill 143 could result in a hearing taking place, particularly since there is a 1989 Ministry of the Environment policy on using the Environmental Protection Act hearing requirement with respect to interim expansion of landfill sites where the project may otherwise be exempted from the Environmental Assessment Act.

It should also be noted that if there is no hearing under the Environmental Protection Act, then the ability of any person to make submissions to the director under section 18 is substantially undermined because he will not have access to intervenor funding under the Intervenor Funding Project Act. Without funding assistance very few members of the public will have the financial resources to assist in making meaningful technical submissions to the director under part III.

It should also be noted that participant funding under section 16 of the bill, which is really directed to part II, does not appear to cover the issue of submissions to the director with respect to part III. I think it is fair to say that participant funding is not required under part II of the bill; it is simply being recognized as something that may voluntarily occur.

There are a number of other examples with respect to the issue of public entitlement to influence waste management decisions that I just briefly want to refer you to. The first is section 15, which states that the minister may establish policies for the purposes of part II, which as you are aware is with respect to long-term expansion of sites under the Environmental Assessment Act. The section is silent as

to what public consultation will precede the release of such policies. The section, in our view, should outline the ministry's intent in this regard.

Section 33 is another key section in this regard. It states that regulations may be made "deeming a certificate of approval to exist in respect of a waste management system or waste disposal site." The bar association was very unclear as to what the ministry intends with respect to this section. It is a very unusual section and authority in this regard. Normally a certificate of approval for a waste disposal site can only be issued after a public hearing under either part V of the Environmental Protection Act or indeed under the Environmental Assessment Act itself.

Section 33 creates potentially great confusion with respect to several existing sections of the Environmental Protection Act; for example, section 27, which says that no person can establish a waste management system or waste disposal site without a certificate; section 30, the mandatory hearing section I referred you to earlier, and section 32, the discretionary public hearing section for non-section 30 situations. Nothing in Bill 143 appears to clarify the relationship between section 33 of Bill 143 and the sections I just mentioned to you. It is our view that the committee should clarify this situation.

Let me briefly turn to the role of municipal government. You have undoubtedly heard quite a number of submissions in the last week and a half about the role of municipal governments with respect to waste management decision-making in this province. I will not repeat any of that. I just want to refer to a couple of key sections of Bill 143 which have the potential for creating some degree of uncertainty and confusion with respect to the future role of municipal governments.

Section 26 is probably the key one in this regard. As you are aware, it adds to the requirements of the existing section 29 of the Environmental Protection Act. Section 29 provides the minister with broad authority to issue reports to municipalities with respect to the establishment or extension of waste management facilities; the amendments in this regard simply extend that authority to the minister.

Historically section 29 has been a comparatively little used section in this province. However, in light of the ministry's renewed interest in this section and its proposed amendments, it would appear to be a timely moment for the committee to examine what the future expected use of this section may be and what its relationship to municipalities may be, given the section's potential for significant impact on municipal waste management authority.

The section as amended could, for example, be used to require municipalities to collect waste that they have historically had no responsibility for, such as institutional, commercial or industrial waste. In addition, the section does not appear to contemplate appeals from a minister's order and appears to adopt inconsistent policies with respect to the issue of waste export and waste import.

Moreover, in light of the ministry's renewed interest in section 29 of the Environmental Protection Act, it is unclear whether municipalities are to be deprived of the rights they might otherwise be entitled to under both the Environmental Assessment Act and the Environmental Protection Act.

This is a significant section on which the ministry should clarify its intentions.

I just want to refer to one other section of the bill and then I would be pleased to answer any questions you might have. Section 24 redefines a "waste management system" as including any "arrangements" carried out for the collection, handling, transportation, storage and disposal of waste. The bar association was uncertain what is intended by the word "arrangements." The section has the potential for requiring a municipality that merely collects waste to apply for a certificate of approval under the Environmental Protection Act. It is unclear whether this is the ministry's intention and should be clarified so that some degree of certainty can be provided to those who may be required to apply for a certificate and at this point in time are uncertain as to that under the bill.

We have noted in our written submissions, both with respect to the issue of the role of the public and the role of municipal governments, greater detail with respect to these sections and various other sections that we directed our attention to. We look forward to assisting the committee in developing Bill 143 further. We would be pleased to answer any of your questions at this time.

1700

Mr Cousens: Could you clarify how your association links with the Canadian Environmental Law Association? We had a presentation earlier this afternoon from the Canadian Environmental Law Association—they are all members of the bar—and now from yourselves. There is quite a difference in the approach and the philosophy of both groups.

Mr Castrilli: There is no relationship between the Canadian Bar Association and the Canadian Environmental Law Association, although members of the Canadian Environmental Law Association can be members of the Canadian Bar Association.

Mr Cousens: One of the questions that came up in the presentation by the region of York when Eldred King made a presentation, and it was referred to as well in the city of Vaughan's presentation, had to do with charter provisions where under the Charter of Rights there might well be challenges to this bill on the way in which it intrudes on individuals' rights. Have you any sense on that?

Mr Castrilli: I have had the opportunity to listen to the comments of Mr Lederer in this regard. I believe he was the counsel for the city of Vaughan. I really cannot add to any of the comments Mr Lederer suggested to you at that time.

Mr Martin: You have provided a very thorough analysis of the Waste Management Act. The minister's report, referred to in section 17, sets out public involvement programs for the extension of the two landfills. This would provide early and ongoing public input into the environmental studies. Have you reviewed these reports, and if so, what is your comment?

Mr Castrilli: I think the focus of the bar association's initiatives with respect to this package has been directed to Bill 143: What does Bill 143 authorize? What does it permit? What does it require? On the face of Bill 143 itself, we have concerns, the concerns we have outlined in our

submissions to you. What may occur beyond the scope of Bill 143 is not really something we have yet had an opportunity to direct our attention to.

Mr McClelland: I wonder if you might clarify something. Mr Cousens ran out of time. You said you have nothing to add. Do I take it from that that you essentially accept the submissions made?

Mr Castrilli: I am sorry if I was unclear about that. Yes, I do.

Mr McClelland: So you find them to be well-founded in terms of interpretation of law. Elucidation of his position, you say, requires nothing further in as much as it is fairly comprehensive.

Mr Castrilli: What I am suggesting is that Mr Lederer's response to the question put to him at the time is one I concur with, to the extent he dealt with the matter that was raised.

Mr McClelland: As members of the CBAO, one of your concerns certainly is in terms of making life easier for practitioners, so we know what we are dealing with. Do you see Bill 143 in terms of its practical application as problematic, where the profession in the day-to-day life of providing legal services to—whether it be municipalities, other government levels and/or the private sector?

Mr Castrilli: I think it is fair to say that those of us who reviewed this bill had a concern about the degree to which the bill confuses precepts that had, as far as we were concerned, been well established under the existing law, and about the degree to which the bill had the potential, in bringing forward new issues, to make the understanding of those who might be directed to undertake various actions under the bill more complex and confusing. From the standpoint of a practitioner, it would be somewhat more difficult to provide advice to a client under the scope of Bill 143 than perhaps is necessary. I see the opportunity to appear before this committee, and indeed the committee's opportunity to look at Bill 143, as an opportunity to clarify those concerns.

Mr McClelland: In practical terms, the law is for the most part—although those who are not lawyers would probably disagree—founded on the basis of providing as much precision and certainty as possible. Do you feel that Bill 143's reliance on undertakings given by the minister, the expression of policy in the future, the assurances, to use some of the words that have been floated around, are a sufficient basis upon which you can render any kind of meaningful opinion to clients?

Mr Castrilli: In this area of the law, one almost always must take cognizance not only of the plain words of the statute and the plain words of any regulations that might exist, but also what policy documents may exist that flesh out gaps in the legislation. One must always have regard to those matters. But in the first instance, I think it is important that the statute get the precepts correct, get them clear to a degree that it is open to anybody reading the act to be able to provide advice to his client in a reasonable way; that is to a substantial degree what we have been concerned about with respect to Bill 143.

The Chair: I know you have been here for a little while so you will know I have said to other presenters that if there is additional information you think would be helpful to the committee, we would like you to feel free to submit it to us in writing. At any time over the course of these hearings, any information we receive in written form prior to February 14 will become part of the public record. We appreciate your appearing before the committee today.

GLEN SHIELDS COMMUNITY ASSOCIATION

The Chair: I would like to call next Glen Shields Community Association. Please come forward. Have a seat. Speak into the microphone. Hansard will pick up everything you say. The Hansards are available within a couple of weeks, correct?

Clerk of the Committee: Give or take a few days.

The Chair: The clerk says give or take a few days. They are available at Publications Ontario at 880 Bay. All the proceedings of these hearings are covered word for word and are available for anyone interested in purchasing them. Would you please begin your presentation now. Introduce yourself and leave a few minutes for questions if you would.

Mr Bottero: My name is Dino Bottero. I am president of the Glen Shields Community Association. The community association represents some 4,000 ratepayers in the Dufferin-Steeles portion of the city of Vaughan.

As a community association we are very concerned with both the contents of Bill 143 and the revisions being considered. I am here today to address issues of fairness, equity of process, morality of decision-making and the impact on the people of the city of Vaughan. While the Keele Valley dump site is specifically in Maple, all citizens in the city of Vaughan are affected.

Residents of Maple and elected leaders of the city of Vaughan had agreed to allow accelerated dumping in the Keele Valley site. By agreement, the site was to close in the year 2000 when a defined contour level was achieved. The residents of Maple put up with an accelerated time frame for dumping, hoping that the dump would be closed in 1992. They tolerated 1,400 heavy-duty garbage and associated trucks ripping through their community per day. They have tolerated the debris, high levels of dust in the air they breathe and pungent odour, which on summer days is spread over wider areas. They tolerated this because they knew and believed that the provincial government and its agent, the municipality of Metropolitan Toronto, would cease landfill operations by the year 1992 or 1993 or when the contour level would be attained.

What do they get in 1992, when the contour line is now fast approaching? They are told that the life of the dump will be extended. It is slated to go higher: higher so odours can be spread over a wider area; higher so more strain can be put on the liner, whose status, from most accounts, is uncertain; higher so it can be seen from a more distant area. On top of all this, the landfill slated for closure is now to take Peel's and Durham's garbage. The garbage that comes from the south will now also come from the east and west.

What do the residents of Vaughan, and more particularly those in Maple get for their suffering? They get nothing. Bill 143 does not introduce any measures to offset the impact of dump expansion on the people in Maple.

Bill 143, in section 19, introduced the concept of fairness through injurious affection. It at least recognized some obligations of the government, since its actions would impact on land owners and those who live in the area. It seemed eminently proper, reasonable and consistent with principles of fairness that injurious affection would be recognized and distributed to those whose properties were being affected negatively by the sudden expansion of dumping.

On the first day of hearings on Bill 143, I was disappointed to hear the minister say it was her intention to scrap the injurious affection provisions because it would set a precedent. I ask, what precedent? Yes, the precedent of fairness and responsibility. I urge the committee to leave in the provision for injurious affection, since property owners and home owners will be denied recourse. The few remaining options would be for litigation, which unfortunately is beyond the means of most people.

I understand Metropolitan Toronto has in the order of \$200 million in its reserve account for garbage. A good portion of this has come from tipping fees earned at Keele Valley. All this money goes to Metropolitan Toronto. Why does not some of this money remain in the city of Vaughan, more particularly to be set aside as a fund to establish some benefits for those in the Maple area? Many things can be done. These can include the rerouting of traffic, the providing of a golf course, offering rebates on property taxes and a host of other things.

1710

The bill proposes to eliminate our rights, which we enjoy under the Planning Act, the Municipal Act, the Ontario Municipal Board Act and a series of other acts. We have heard so much about protecting the environment. What about protecting the people? Liaison committees to deal with the public are a nice gesture, but they will have lost any meaningfulness unless specifically given rights and powers in the bill.

We have more recently noticed increased volumes of garbage-related vehicles along Dufferin Street adjacent to the Glen Shields area. What recourse do we have, since acts, including the acts which created the city of Vaughan, have been suspended in dealing with this issue? Our local leaders will have become voiceless and I fear our actions only toothless.

I submit that Bill 143 represents an irresponsible document since it does not introduce or enshrine safeguards for the residents of the Maple area and the city of Vaughan as a whole. It permits for unparalleled intensification of dump activities from Metropolitan Toronto, along with the regional municipalities of Peel and Durham. I would suggest that the minister devise a plan of compensation for the people of the Maple area and that the provision for injurious affection be retained in the bill.

In summary, city residents, and more particularly those in the Maple area, have had to suffer. They were told that a facility slated for closure is now being expanded. The municipality had gone ahead in good faith and made certain

planning and land use decisions based upon closing of the dump. Families moved into the area with assurances by virtue of an agreement signed by the city, the region, Metropolitan Toronto and the province that the dump would be closed at an anticipated date. Now the dump is going to be expanded and in fact go higher, which is an eyesore, a visual contaminant and a potential environmental disaster, given the state of the liner.

There is nothing wrong with compensation. This is only fair and consistent with responsible government. I see nothing in the bill that would introduce any measures to help offset the impact of the dump on the people of the city, nothing at all. We find it to be a very high-handed measure that does away with many of our safeguards as citizens.

We urge the committee to amend the bill to reflect these concerns and to introduce mechanisms to compensate those in Maple and the city as a whole.

Mrs Mathysen: I was quite interested in the questions you posed at the top of page 4. It is my understanding that the original agreement regarding Keele Valley was an agreement between York region and Metro. Your questions at the top of page 4: Basically there is \$200 million. Why does all the money go to Metro? Why can some of it not remain in the city of Vaughan and be used for the benefit of people there? Have you asked these questions of the York council and of the Vaughan city council?

Mr Bottero: I am sure the city of Vaughan council would love to have some of that money come back to them. Have we specifically appeared as a delegation to ask that of city council members? We have not. The only thing is that it seems to me, since it is a brand-new ball game now, perhaps some of these issues could be addressed.

Mrs Mathysen: Okay.

Mr Cousens: I want to congratulate you for an excellent presentation. I think the people of Glen Shields are well represented by their president today.

Mr Bottero: Thank you.

Mr Cousens: I would say that the sincerity that comes through is very meaningful. An earlier presentation, Vaughan CARES, was here today. We have had the mayor of Vaughan make a presentation, as well as the chairman of the region, Eldred King, and legal counsel for both sides. I want you to know that you have been very well served. Their presentations are certainly remarkable, by the preparation and thought that went into them, as with yours.

We had a presentation by a Mrs MacMillan today. She had a number of points to make that had to do with the guarantees, as she interpreted them, from a campaigner during the election campaign leading up to September 6. At the time, Mr Rae was the Leader of the Opposition and was near the Keele Valley landfill site and made a number of promises. It is attributed to him that he said there would be a full environmental assessment and public hearings before there would be any change to that site. I understand as well that the present Minister of the Environment, Ruth Grier, made similar statements to people. I wonder whether you as well have heard some of those statements made by the man who is now Premier and the woman who

is now Minister of the Environment, prior to their taking office.

Mr Bottero: I have never heard them directly.

Mr Cousens: There is a certain feeling within the community of betrayal by a politician who makes statements prior to an election and then does something different afterwards.

We are concerned. Certainly I am, and my colleague from the Liberals, Mr McClelland. We are trying to confirm exactly what was said by Mr Rae and Mrs Grier on that. If they said they would do everything they could to fight the expansion of Keele Valley before the election, your submission today should not be required by virtue of that.

I am concerned as well with the trucks you talk about going up Dufferin. Have you been in consultation with York regional police and other officers within York region to see what we can do to stop them from going up there? I think you are raising quite another important issue I had not been aware of. That kind of traffic creates another set of problems. I thought there was an approved route they had to use. Is there anyone tracking those trucks to see if they are going to the landfill site? Is there any further action that maybe we can help you with through this committee?

Mr Bottero: Our community association has not really undertaken anything formal, only the things we have noticed over the past couple of months—an increase in truck-related traffic. Part of the difficulty is that the clay itself is being trucked in from Whitchurch-Stouffville. When there are 1,400 vehicles a day, I am sure you will always get a few that are going to spill off and maybe not go by the approved route, if somebody wants to take a shortcut. With the increased dumping that will occur there, or from more sources, we are very concerned that the amount of truck traffic will increase, and we are very concerned about what recourse we will have.

Mr Cousens: Could I ask if the Ministry of the Environment staff would have any comments on trucks and vehicles using routes other than those that were established, and what action could be taken either by yourselves or the community to respond to that concern?

The Chair: Mr Cousens, that will be taken as notice.

Mr McClelland: On page 3 of your brief you talk about "principles of fairness." I would like to pursue this with you for the few moments we have. I guess it flows in part from the question put by my colleague Mrs Mathysen. She talked about the fact that it would be very nice if York had some of that money and you were the beneficiaries of it. One of the difficulties with Bill 143 is that what it essentially says is that the province will control and dictate what is to take place, but the municipalities will bear the burden. I think that is something in terms of fairness. It is for that reason that, in part, I support what the municipalities have said, that they do not like section 19, which you support.

Let me put this question to you in the context as follows: The municipalities do not like section 19 because they say they do not have any control over this, yet are the ones who might have to pay the cost in terms of injurious affection. Do you think in terms of principles of fairness that

section 19, if it were to remain, would appropriately leave the responsibility with those who are dictating, in other words the province or perhaps the Interim Waste Authority? They are the ones, after all, who are dictating the policy. Why then should the municipality have to pay the cost? That is the question the municipalities are asking. That is why the minister said, "We will withdraw that section."

Mr Bottero: My understanding is that the regional municipality of York has asked the committee to keep injurious affection. Personally I think having it in would at least acknowledge some of the obligations, because my reading of the bill was that any moneys that could be paid out in injurious affection are to come from tipping fees, which I suppose reinforces the government's idea that it is a user-pay situation. Any of these funds would not come from the public purse but strictly from tipping fees, and the money earned in that source would stay in that area.

Mr McClelland: I just wanted to put that in context for you to understand where the other municipalities are coming from. They are saying, "We find this very difficult to live with, inasmuch as it is the government of Ontario through the IWA that is imposing this solution, and yet we will be held responsible for the cost."

Mr Bottero: I believe it was Metropolitan Toronto that wanted it out because it felt it was not limited enough in scope.

Mr McClelland: And the Association of Municipalities of Ontario and Peel region and so forth.

Mr Wiseman: My first comment is by way of a piece of information. I do not know if it is the same in Maple as it is in Pickering, but in the early days of the Brock West landfill site, Pickering was allowed to dump in there at reduced tipping fees and perhaps Maple has the same deal. Along that line of financing, there is a rebate program in place for Durham region to dump in the Brock West landfill site and get a rebate from Metropolitan Toronto based on the tipping. What is ironic about it is that the Durham Board of Education pays full fees for tipping in the Brock West landfill site and Metropolitan Toronto's board of education does not pay anything at all.

My comment is on your 1992 projections in terms of closing. In Pickering we had 1989 dates. Why did you think it would be a 1992 closing? Do you have the contour maps and stuff like that?

Mr Bottero: That is based on various discussions with staff and political people at the city of Vaughan who

indicated that the agreement called for dumping until the year 2000 or until a certain contour level was hit. In 1989, if a person was buying a house in the Maple area and they inquired at the municipality when the dump would be closed, he would have been told it would more than likely be in 1992, perhaps some time in 1993, because based on the accelerated dumping that was occurring, certain decisions were made.

To answer your other question about municipalities getting rebates back, I do not know about that. I do know that if I put five bags of garbage out in front of my house, the garbage man will always leave one. The maximum they can take in the city of Vaughan is four. I do not know if that translates itself into meaning anything, if the municipality is getting a rebate back at the dump source itself.

Mr Wiseman: That is an interesting comment. I did not know that.

The Chair: Any questions for the record?

Mr McClelland: I might just add, as Mr Cousens said, that you are to be commended for your presentation and for being here today. We thank you.

Mrs Mathysen: Madam Chair, I have a request. Mr McClelland paraphrased my comments inaccurately and my request is that he leave me to express myself by myself. I do not need him to interpret for me.

The Chair: Hansard will record your comments.

Thank you for appearing before the committee today. We appreciate your coming. If you have any other information or comments over the course of these hearings, please feel free to communicate with us in writing.

Before we adjourn for the day, I would like to point out to committee members that there has been an accommodation at the request of Mr Wiseman for the Recycling Council of Ontario. They have been scheduled, and please note it on your agenda, for Wednesday, February 12 at 5 pm. Listed on the agenda at that time is TRAC-M, which has agreed to appear on Wednesday, February 12, at 9:40, so please change your long-term schedule. They presently are appearing on the agenda at 5 pm on February 12 and in its place, at 5 pm, for one hour, will be the Recycling Council of Ontario. I am pleased we have been able to accommodate that.

The standing committee on social development stands adjourned until 10 am tomorrow morning.

The committee adjourned at 1725.

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First Intercession, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 29 January 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

Première intercession, 35^e législature

Journal des débats (Hansard)

Le mercredi 29 janvier 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
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Présidente : Elinor Caplan
Greffière : Lynn Mellor



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A partir du début de la deuxième session de la 35^e législature, les pages et les numéros du Journal des débats seront de nouveau numérotés par session. La numérotation du Journal des débats correspondra donc à celle de Feuilleton et Avis et de Procès-verbaux, ainsi que celle des autres publications parlementaires au Canada.

Depuis deux ans, le Journal des débats était numéroté par année civile. Avec ce système, la numérotation des numéros et des pages recommençait au premier numéro de l'année civile, quelle que soit la session ou la législature.

Avec le nouveau système, la numérotation commencée en janvier 1991 s'arrêtera à la dernière séance de la Chambre et des comités de l'actuelle première session. Une nouvelle série commencera le jour de l'ouverture de la deuxième session et des sessions suivantes : numéro 1, page 1. Les rapports des comités seront également numérotés à partir de la première séance de chaque comité pour une session parlementaire donnée.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday 29 January 1992

The committee met at 1003 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / *Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.*

LILY CUPS INC

The Chair: I would like to welcome everyone this morning. Our first presenter is Lily Cups Inc. Please come forward. Begin your presentation by introducing yourself to the committee. You have 20 minutes for your presentation. All members of committee have received your written brief. If you would leave as much time as possible for questions, we would appreciate it.

Mr Icke: Good morning, Madam Chair and members of the committee, ladies and gentlemen. My name is John Icke and I am president and chief executive officer of one of Canada's largest manufacturers of disposable packaging products. Having operated for over 47 years from two locations in Scarborough, Ontario, we employ approximately 500 personnel who are experts in the production of a wide variety of food and beverage containers utilizing both paper and various plastics as raw materials.

Under the proposed Waste Management Act legislation, we are classified as an industrial, commercial and institutional generator. I have been invited to speak to you this morning in an effort to update the committee on how organizations such as my own are working towards compliance with Bill 143 and my views of the legislation.

We at Lily Cups fully support the concept of diluting any negative impact our products and production processes may have on the environment. Our published environmental policy clearly identifies this, and there is a copy within the deposition. In recent years we have demonstrated our commitment to compliance.

I am therefore delighted to be able to commit to you that Lily will have no problem in achieving the initial standards as laid down by the Waste Management Act. In fact, we will surpass the objectives noted within the time frame allowed.

As a consequence of the increasing criticism focused on our industry in the mid-1980s and specifically from single-interest environmental action groups, we have developed a broad range of initiatives designed to improve our environmental position. A selection of these initiatives includes the reduction of the calliper, or thickness, of beverage container lids by almost 14.1% over a two-year period, 1990-1991, resulting in a reduction of 252.6 tonnes in the

polystyrene plastic used, plastic which until recently would have been destined to landfill.

We are a founding member of the Canadian Polystyrene Recycling Association and a key participant in commissioning the first polystyrene recycling facility in Canada. I understand Mr Michael Scott is making a presentation to this committee this afternoon. CPRA cost in excess of \$6 million and is situated in Mississauga. It is an 82,000-square-foot facility and has the capability of recycling in excess of 15,000 tonnes annually. CPRA, by the way, is entirely funded from the Canadian plastics industry, and my particular organization has already dedicated over \$250,000 to CPRA.

We have introduced reduced paperboard weights for our paper containers on food and beverage products over the 1990-91 period, resulting in a saving of 500 tonnes per year.

We have introduced new Trophy cups, which is a brand name for our polystyrene cup. These cups are 20% by volume less cube than alternative polystyrene beverage containers, thus reducing the volume going to landfill, improving the distribution costs and saving fuel.

We converted from CFCs to HCFCs as blowing agents in October 1988 as phase I of eliminating atmospheric pollution from our manufacturing processes for foamed polystyrene products. Subsequently, in April 1991, we converted from HCFC blowing agents to recycled carbon dioxide, which is created as a byproduct from the manufacture of industrial fertilizers, therefore reducing CO₂ emissions to the atmosphere.

We introduced in-plant recycling for all plastic products. To our knowledge, we are the only manufacturer in our industry that has a closed-loop manufacturing process; that is, we do not throw away any of our in-plant production scrap.

Finally, we sell all our paper waste to recycling companies which then turn it into corrugate or tissue products.

Obviously many of our programs as described have been under development for a long period of time. Many millions of dollars have been expended in the development, implementation and management of these programs. None of these programs was forced upon us through government legislation. Our conversion from CFCs, for example, was in October 1988, well before any restrictive-use legislation.

Furthermore, we are currently investing in numerous projects and programs to further enhance our environmental position. For example, in 1992 we are going to introduce a new type of corrugated container which will reduce our usage of cardboard by 30% by weight. We plan to introduce hot and cold paper cups manufactured from 100% recycled material, of which 40% will be post-consumer during 1992.

We are in the process of developing dual or trilaminate plastic manufacturing processes which incorporate both post-consumer and industrial recycled material. We are developing a composting program for paper cups and food containers. Currently, a pilot program is under way in conjunction with the University of Guelph, International Waxens and McDonald's Restaurants of Canada.

We hope the successful conclusion of some, if not all, of these projects will result in further enhancement of our products and manufacturing processes from an environmental perspective.

In short, we do not need incentives to participate in the greening of our society. We are well aware of our social and moral responsibility. Indeed, I believe most organizations of our size and market influence try to conduct business in an ethical, moral fashion. Notwithstanding that, we are delighted to be able to enjoy improved efficiencies, quality and profitability through the instigation of said initiatives. In short, we have learned that the greening of our company is good business from many perspectives.

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In order for us to be measured against the Bill 143 objectives in waste reduction, we have commissioned Mr Ray Leach and his organization, Waste Alternatives, to produce a full environmental audit which will clearly indicate our compliance and provide us with the necessary information to issue to the Ministry of the Environment. This environmental audit will cost on its own in excess of \$40,000. In addition, recommendations which will be made as a consequence of the audit will obviously carry a cost of implementation.

While we hope many of the initiatives recommended will have a financial payback, some will not. In an ever-increasing competitive world which is geared to open-border trading, this may put our organization at a distinct cost disadvantage. These expenses will not have to be incurred by many United States or other offshore competitors. Is this fair? Is this logical?

Furthermore, while the bill clearly identifies major ICI generators for special attention, it has been our experience with other government legislation—pay equity, for example—that smaller organizations will be the companies that will not comply and will not invest the dollars to facilitate positive change. This will continue to give organizations like my own a bad reputation by association as and when noncompliance is unveiled through MOE audits. Could you or would you propose to do something about making the smaller organizations comply?

A further issue to be raised, and one which is beyond the scope of this committee, is the sensibility in introducing such a bill during the current economic climate. Although it is difficult to state exactly how much it will cost an organization such as my own to analyse our operations and then select and implement programs to guarantee compliance with the legislation, we can project that the cost will be material.

Adherence will therefore divert money away from business expansion, new product development, training and development of our personnel, research, advertising, marketing and other positive aspects of business. These

potential investment areas are vital for Canadian business. At a time when Canadian manufacturing is on the proverbial ropes, it is an expense we could all do without.

Let me be radical. Let me propose a postponement of the legislation as advocated in Bill 143. Let us have a moratorium on all government legislation of this nature, as proposed by President Bush in his recent statement. A copy of a Wall Street Journal article concerning that statement by Bush is enclosed in your deposition. Let us inject the money saved back into growing business. Let us provide more jobs, more opportunity, more personal wealth and, yes, more profits. Let us remember that more profits mean more tax dollars, which in turn generate more opportunity for further public expenditure.

A committee recommendation to postpone implementation would be radical. It may generate significant criticism from some areas. It would certainly generate huge support from others. It would protect businesses and, perhaps more important, jobs. Remember, our competitors, my competitors from the United States, the Far East and the European Community do not have to comply with Bill 143 and the regulations that are proposed.

To conclude, I do not oppose this bill. At Lily we are prepared to change for the improvement of our environment, but as an Ontario- and Canadian-based manufacturer we are being asked to incur extra costs with a potential zero profit enhancement capability. We are not on an even playing field with our competition. I believe this aspect must be addressed.

Mr Lessard: Thank you for your presentation. I am having some difficulty understanding the real thrust of your presentation because in it you state that the initiatives you have taken, a lot of them positive ones, you have taken without the force of government legislation. You have also said that you have done some of these things and, taking it right from your presentation, you have enjoyed improved efficiencies, quality and profitability through these initiatives. Then you say that you do not oppose the legislation but that we should postpone implementation as a radical idea.

You also provide a copy of an article from the Wall Street Journal, which I have had an opportunity to review, that says George Bush is going to defer regulations with respect to the Clean Air Act. They are thinking about things that might deal with the handling or disposal of wastes that contain relatively small amounts of radioactive material, regulations that cover water purity and superfund toxic dumps.

What I get from part of your submission is that maybe we should have dirty air and radioactive waste in our landfills and dirty water in the name of some economic incentives to business, because you say that moneys would be diverted from business expansion, training and development, research and things like that, positive aspects of business. Yet you also say that what you have done has been a positive aspect to business, your environmental policies, so I am having difficulty understanding how those two things go together.

Mr Icke: There are two questions. I would like to take them as you said them. First of all, the thrust of my presentation is to illustrate that we are doing a lot of things to the environment that are positive across a broad range of things. We are doing those outside the boundaries of Bill 143.

What I am advocating is that I do not think we should have to incur extra expense, time, money and effort to be able to substantiate that we are developing those types of programs. Even though we have done all those as an organization, I am still going to have to go through a full environmental audit. I am still going to have to spend more money in certain areas to comply with the legislation that quite frankly I would not have to pay if this legislation were not going to come into force. Not only that; some of the things we have done outside Bill 143 are making us a more environmentally friendly company. I am saying we do not have to be bullied or forced into compliance with this legislation, yet I am going to have to incur, for example, a \$40,000 cost simply to prove that we are complying.

Mr Sola: I was very impressed with your presentation. It showed that the private sector can take the initiative in environmental concerns. Obviously, from the list of things you showed in your presentation your company and I guess companies like yours are at the forefront, both in recycling and in the "thinking green" area.

I wonder if you would like to expand a little bit on what you said on page 2: "Obviously many of our programs...have been under development for long periods of time," and that they were not forced upon you by government legislation. In other words, when you have seen the opportunity, you have seized it and you have headed in the direction of recycling and conservation. That is why I guess you are opposed to Bill 143 being forced upon you, because you have taken the initiative yourself.

Mr Icke: I would like to pick one of the programs as an illustration: air emissions. We started work on moving away from CFCs back in 1985. Our stage movement from CFCs to HCFCs to recycled carbon dioxide took a four-year period and cost us \$2 million. It involved not only the purchase of new capital equipment, but it obviously involved prediction trials and getting various government certifications etc.

A lot of the programs that involve enhancing new productions from a manufacturing concept are not overnight sensations. Most capital equipment, for example, takes anywhere from 12 months to 18 months to be delivered and commissioned after ordering it, so this is a very lengthy program. We got on the environmental theme in 1987 and now we are starting to see the benefits. We conclude that it is good business sense to do this because of the attitude consumers show. Also, our customers—we have many household names—are demanding that we come to the table with initiatives that do not just show them a cost saving, but an environmental enhancement or indeed an improved capability. They are also looking for us to reduce the number of items we sell to them. For example, you will get three different-sized cups but one lid that fits all three cups. Five years ago there was a special lid for each cup. It was great business three years ago.

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Mrs Mathysen: Thank you for your presentation. In your brief you indicate that you have invested a significant amount of money to be a more responsible corporate citizen, and you are concerned about smaller organizations that do not. My question is, will Bill 143 and the regulations that follow it not compel these delinquent firms to be better managers of their waste and therefore create a better climate for you by virtue of a more level playing field?

The Chair: Mr Wiseman, you wanted to put a question on the record?

Mr Wiseman: Yes, I would. The other day we heard from Waste Management Inc. They indicated in two places in their brief a recommendation that the government mandate product content and product regulations in the sense that perhaps we should be looking at not allowing companies that use dirty technology in their production to import or sell those products in our market. I am just wondering how you feel about that, given that you are obviously going down the clean road and that there are still large numbers of people out there doing dirty things to the environment and having a cost advantage that you do not enjoy.

The Chair: Thank you very much for your presentation. The purpose of putting questions on the record is to allow you to answer them in writing, if you will, since we do not have any additional time for oral presentations today. Any correspondence that we receive by February 14 from you or from anyone else who would like to communicate with the committee will be included as part of the public record. If it is received after February 14, it will be available for all members of the committee to consider during their deliberations. Thank you very much for joining us this morning.

TOWNSHIP OF LAKE OF BAYS

The Chair: Township of Lake of Bays, please come forward. Welcome. You have 20 minutes for your presentation. We would appreciate it if you would leave as much time as you can for questions from committee members. Please begin by introducing yourself.

Mr Kowalchuk: Thank you, Mrs Caplan. I am Bill Kowalchuk, from the township of Lake of Bays. I am the planning director. The township of Lake of Bays is in Muskoka, where it is always sunny, where the water is clear and the forests are green. The communities up there take a great deal of pain to ensure that they continue in that manner.

The township of Lake of Bays has been led for many years by a council and mayor who are very much aware of the obligations for waste management and the best methods of managing such wastes. The council continues to support the concept of disposal within one's community, as opposed to shipping it to other communities for disposal. We do have a problem with the definition of "community" at times, though. However, the council and my own department, which has responsibility for landfill, waste management and recycling, are somewhat concerned with the bill that has been presented to the Legislature for approval.

Just for the record, the township, without assistance from the ministry or from anyone else, undertook with its public, the consumer public, which demanded the service, a recycling system which produces about a 17% diversion at depots. The legislation that is currently enforced by the ministry unfortunately causes us to have a great number of costs which in the opinion of the population and of the council are really unnecessary.

On behalf of the mayor and council, I also want to thank the opposition party and the third party for their strong will in ensuring that further consultations on this very important topic are afforded the public. It seems the current government's election promise to serve ordinary people has been waylaid in favour of consultation with a select few or perhaps even the radical few.

I also want to advise that association in the waste management business has included service to private hazardous waste and recycling companies and transfer stations and also has included consultation with the ministry on the process of regulation 309. I am also mindful that the current minister and the ministry have been attacking very vehemently a large part of that industry in our province, and the result is of course that an ever-increasing amount of this kind of material is being shipped to the United States.

We have to remember that the real impetus for waste management in Ontario began with a truck accident in Kenora. That is where it all started, in 1985. From that day to this day this province, the industry of this province and the people of this province who are responsible for waste management have taken on a far different approach to waste management than they had prior to 1985. As Lily Cups has indicated and as many other companies have indicated they, through consumer-led initiative, have taken great pains to ensure a cleaner and greener company operation. I think the ministry's position has to be assessed in relation to that effort by private enterprise.

One of the things that struck us was that Bill 143 began as a result of a submission by the ministry in early 1991. In the minister's own submission, she advised the Legislature and the people of Ontario that she would be introducing legislation for finding long-term landfill capacity and, doing that, would appoint an authority which would reinforce individual, community and industry responsibility. Now "reinforce" could mean a carrot or it could mean a stick. It is tragic that this government has chosen more sticks because I think carrots, as has been shown by the consumer-led society, have been much more effective.

Recognize the importance of education and communication in achieving these goals: Having stated that, it puzzles our community why Bill 143 was introduced and why there was such a big rush. I am sure that from the political point of view, as I am instructed to advise the committee, it came during a part of an election campaign where really everybody was caught off guard.

Foster social equity and a conservative society objectives: Those are admirable. I think we have all learned to save and we all want to be socially responsible. As Lily Cup has pointed out, in specific programs we have been.

Ensure that new facilities are environmentally sound: I do not think there is anybody in the province who would advocate facilities that are not environmentally sound.

Carry out positive public consultation and involvement: We do not feel the government has been doing that. As an example, I think the council and the district of Muskoka had a great deal of difficulty arranging appointments with the ministry and the minister.

Ensure facilities are operated on a true cost recovery basis: This is a very new aspect for many communities north of Metro and it is going to be tough, but even the township of Lake of Bays, which operates four sites, a transfer site and three landfill sites, has instituted tipping fees and they will grow until they have a cost recovery. Now, a full cost recovery and a true cost recovery I do not know, because we do not know how many millions of dollars we are going to have to spend on getting our next approval. It is going to be a tough thing to decide how to get the money, and it is going to be even tougher to figure out how much to collect for that bag of garbage. Taxpayers in our community would like a mixture: something on their tax bill and something at the landfill gate.

Reinforce the important role of the regions and the local municipalities in waste management: That is an admirable objective. I think my council and many other councils that have spoken to our council feel that consultation is vitally important and we encourage it. We would beg for it and we hope the minister, her staff and her advisers would institute more of it rather than pushing bills through.

The ministry, in interpreting those expectations, has come up with Bill 143. When you measure Bill 143 against the objectives stated by the minister, we as a public and as a partner in the management of solid waste find the legislation is woefully inadequate. It really does not do what the community wants to do and what I think the ministry wants to do.

The committee has heard many representations as to the details of inadequacy from the point of view of the public sector, the municipalities and the activists. I suppose in some ways one might say that since everybody is complaining, it must be a good bill. I do not think that analogy applies. My own concern with the legislation is that it does not do what the minister wanted it to do, and if the minister does permit the bill to go forward in its present form, it will destroy the partnership the ministry is seeking. You cannot have the partnership the ministry is seeking with the kind of big stick approach that the bill and other environmental legislation presents. It will destroy the support of the community for waste management activities.

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One of the first questions you are bound to be asked here is, if you do not support the bill then you must be against the environment. Nothing is further from the truth. There are thousands and thousands of people in Ontario who are for the environment and against bad legislation. It is as simple as that. There is always a danger of course that if you attack the environmental legislation you are going to be marked as something less than green. I suppose we have to take that chance in life.

Bill 143 purports essentially to provide the basis for a new waste management authority in the greater Toronto area in its search for a landfill option. I come from a small community which has already expended more than \$500,000 in research in its efforts to find increased landfill capacity within its borders—and I am not talking about assessing whole new sites; I am talking about the process that is under the less-than-1,500 population figure, which is a straight EA approval, and relatively minor expansions of existing landfill sites which have been demonstrated not to have leachate potential, which is a danger, and which are demonstrated to be environmentally safe. We still have to go through many thousands of dollars of expenditure to prove that the site can be expanded.

These are council's words: "I find it appalling that the minister is creating an authority to find a new landfill site and then providing that authority with so many exemptions and powers to do the job, it would make one believe that the current legislation, which handcuffs many of us in many ways, is simply not working."

The other thing we wanted to bring to the attention of committee is positive. On the question of the packaging industry, the legislation and the approach of the ministry recently is to regulate. I think you can regulate, but I do not think you can regulate in the way you are proposing to do it because you just have not got the manpower or the forces and the ability to control international trade.

One of the ideas we have had is, why does the ministry not require classification of all materials as to their recyclability? In other words, reduce, recycle and reuse are pretty admirable objectives. If you attack all of them at the same time—for example, in the cardboard industry you may have cardboard with glue which would be an A-3 and a cardboard without glue, with staples, which would be an A-1. By simply imprinting every bit of packaging or material that comes into the province for use in this province with a particular registration number you would have a classification system which would then allow private enterprise to set up the recycling facilities and the reuse facilities you need.

The biggest problem you now have in recycling, the reconsumption of what is called "waste," is the fact that many people do not understand whether they are to put this bottle in this bag or that bag. By a series of registration numbers you can do that. One might say that is an infinite set of numbers. I suppose some of us who are a little older can remember the wartime when they registered every material that we ever thought of using by a number. So it is possible. I will leave time for questions.

Mr Sola: You have mentioned that Bill 143 will add extra costs to your township. Who operates your landfill sites, the township or the private sector?

Mr Kowalchuk: The township operates the landfill sites. The extra cost does not come only as a result of Bill 143; it comes as a result of the existing legislation. I am old enough to remember the first time engineers told us that if we buried our waste, every five years we could go to the starting spot to start burying all over again; do you remember that?

Now what we have done with the legislation is, we have prepared part V, and really, whether you are operating a small landfill up in northern Ontario, a dump somewhere, a major landfill in Metropolitan Toronto, an incinerator at Sarnia or a recycling company in Mississauga, it is all the same legislation. It just does not make sense. The cost is the result of the fact that the legislation is the same, and the people who have to administer it are then stuck with it. They have to administer it as if it were big time all the way.

Mr Turnbull: One of the things I am struck with is the fact that we have gone with this legislation with respect to the continuance of the two dump sites which would have ended up as level dump sites when we were finished and they will now be approximately 15 storeys high. We have gone from having maximum public input, which over the years has grown longer and longer and has probably caused an enormous amount of cost to the taxpayer because of the length of environmental hearings, to having no public input in the expansion of these sites from a level site to a 15-storey-high site.

I have always very strongly believed, and I am more and more convinced every day, that the best thing is having definite timetables for public input, but always having public input so that we can never allow governments to ride roughshod over citizens as we are seeing here, and at the same time that we guarantee there is a determinate amount of time. I wonder if you could comment?

Mr Kowalchuk: Exactly. From the point of view of preparing for approvals of any kind, you do not prepare with the facts in mind. You prepare with the idea that somebody with a placard is going to run you off the rails and there is no defence against it. Here you have a situation where the private enterprise, we, or the public enterprise, you, have to go out and produce an EA in order to expand a site. You have to study all options. In doing that, you leave yourself open to attack from all sources. In other words, it is just too rough. You do not define what you are trying to do. What you are trying to do is very simple. You want to build a safe landfill site. What you have to do is prove that you have looked at every possibility of waste management in the world before you decide to do what you wanted to do in the first place. It does not make sense.

Mr Wiseman: Some of what you are talking about is the re-evaluation of the Environmental Assessment Act and the process that is undertaken. There have been initiatives through the Ministry of the Environment to do consultation on that and also on what is called Initiatives Paper No 1, which is to look at the whole process of reduction and recycling. I just wonder if you have participated in that.

Mr Kowalchuk: Yes, we have made a submission to the EAA process. Really, the thrust of that submission was two-fold. One is that the parties of interest to a hearing have to be clearly identified. In other words, if the parties of interest to any hearing were not identified, you would just end up with an open end and there is no telling where the next expert is going to come from. So the parties to the hearings have to be clearly identified as having an interest.

They have to demonstrate their interest and they have to demonstrate their questions. The second aspect is that once you have identified all the parties of interest, the consultation between them before the hearing should resolve the issues of agreement.

Mr Wiseman: Would that include the exclusion of items and processes that have been deemed unacceptable? Why put something that you do not like into the process if it takes up extraneous time?

Mr Kowalchuk: You would have to prove why you had an interest in that and why it was important to this hearing. Why is it important, for example, how a Detroit incinerator operates when you consider a landfill in North Bay?

Mr Wiseman: The second part of the question was about the initiatives paper.

Mr Kowalchuk: We have looked at it and we have not made a submission on it. We have an interest and have scheduled discussions in the community about that. The recycling aspect is the greatest. If you look at reduction as including recycling then the objectives of the government for 50% or 90% are—you know, it does not matter; we can achieve them. But there are a lot of other questions to address. For example, this legislation recognizes that recycling systems and operations should have an easier process of approval. That is smart. But the fact that they leave small and large incinerators and chemicals recycling companies under part V, that is dumb.

The Chair: Thank you very much for your presentation. We appreciate your coming to the committee this morning. As someone who is familiar with the Lake of Bays area, I found your description of it at the beginning was very accurate.

Mr Kowalchuk: Thank you.

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ENVIRONMENTAL ACTION ONTARIO

The Chair: I would like to call next Environmental Action Ontario. Members of the standing committee on social development have received your written brief. Please begin your 20-minute presentation by introducing yourselves to members of the committee. We would appreciate it if you would leave some time for questions from committee members.

Ms Baldwin: Good morning, Chair. My name is Jill Baldwin and this is Susan Griffin.

Ms Griffin: We are members of Environmental Action Ontario. We are here today as a grass-roots coalition of environmental and community groups across the province. Our mandate is waste reduction through legislation, corporate policy change and public education.

Environmental Action Ontario, with its focus on the problem of excess packaging, is primarily concerned with part IV of the proposed Bill 143, and specifically with the sections which would allow government regulation of packaging and products that pose a waste management problem.

We strongly support adherence to the 3Rs hierarchy of reduce first, followed by reuse, followed only then by recycling. We are in agreement with the concept of a government requirement that industry research and report on the total environmental impacts of the packaging of their products with a view to changes in the nature of future packaging towards minimal or reusable or recyclable materials.

Our organization was originally founded to carry out the excess packaging campaign conducted by a coalition of groups across Ontario during 1990 and part of 1991. The thrust of the campaign revolved around three core goals. The first goal was that supermarkets reduce their excess packaging; second, that fast-food restaurants provide reusable dishes and cutlery for their sit-down customers; third, that the province impose a special tax on disposable take-out containers with revenues dedicated to waste reduction efforts.

After gathering community endorsements from hundreds of churches, residents' and ratepayers' groups, labour unions and other local groups, Environmental Action Ontario coalition members sought endorsements from their local municipalities. Some 57 municipalities in Ontario, including Ottawa, Windsor, North Bay, Kingston, Waterloo, North York and Scarborough gave their written endorsements to our campaign goals. This indicated a high degree of concern with the everyday problem of generating waste through the activities of grocery shopping and consumption of fast food and a wish to see action taken through regulation.

In May of 1991, representatives of Environmental Action Ontario presented the endorsements to the Ontario provincial government requesting changes to existing legislation to bring about packaging waste reduction in the areas of grocery products and disposable fast-food containers.

In tandem with the endorsement gathering for goals support, EAO member groups conducted public opinion surveys in their communities. The first survey, with participation of close to 1,000 people, sought to rank in order the products in grocery stores perceived by shoppers as being the 12 most overpackaged. The results of this survey were communicated to the press, to manufacturers of the products involved and to supermarkets.

A second survey studied attitudes towards the amount of waste generated by fast-food restaurants. A clear majority of the nearly 4,000 respondents in 28 parts of Ontario "agreed," or "strongly agreed," that fast-food restaurants should serve their sit-down customers with reusable dishes and cutlery which would both lessen waste and provide a more pleasant eating experience.

A third survey conducted in the summer of 1991 included questions on the subject of refillable containers for food: 94% of 953 participants felt that refillable, returnable bottles for soft drinks, alcohol and milk were a good idea; 86% felt the government should pressure companies to use more reusable containers through taxation and incentives.

Responses to these unscientific surveys gave an indication of strong public support for government measures to curtail the environmental effects of the current volume of packaging through regulations which would reduce the amount of overuse of packaging in these areas.

In terms of new alternatives for take-out food, we have become aware of research currently being done at Iowa State University in developing a plastic-like substance made of corn starch and corn or soy protein which has the potential of being used in the manufacture of cups, plates and eating utensils. This substance is completely non-toxic, to the point that it would be edible for humans, and is completely biodegradable. We believe that it is important not only to look to the past to find ways of avoiding harm to the environment, but to investigate and encourage new and innovative concepts which will be developed in a climate of sensitivity to environmental concerns in business.

Where jobs may be lost in the manufacturing sector with a shift to increased reduction, reuse and recycling of some types of packaging, new jobs must be created in research, development and manufacturing of new and appropriate substitutes.

Environmental Action Ontario will direct its next campaign, a two-pronged effort, toward public, industry and retailers and to local and provincial governments. This campaign's objectives are to encourage an increase in the quantity of available refillable beverage containers and an increase in public use of them, as a measure which lessens environmental impacts in use of non-renewable resources, manufacturing byproducts and waste disposal.

To promote a reduction in the consumption of throw-away shopping and grocery bags, we will focus on an item which is, in many ways, symbolic of the habitual throw-away behaviour of our society, on the premise that its decreased use could lead to changing patterns of overall consumer thinking about packaging and waste. Our 1991 summer survey indicates that 85% of participants recognize that plastic bags contribute to a landfill problem, and 92% believe that reduction of their use would help reduce our current volume of garbage. We will encourage both the public and retailers to support a move to the increased use of reusable carrying bags for shopping, with emphasis on the environmental impacts of throwaways and in particular non-biodegradable plastic bags. One often-quoted statistic states that Canadians bring home 55 million plastic grocery bags every week. Reducing that figure would be a step in the right direction.

Some examples of types of packaging which we believe can reasonably be termed excessive and which might consequently be examined and/or regulated under such an act, are:

1. Packaging whose primary function is marketing and display of a product, such as toothpaste boxes.

2. Packaging which contains ingredients which have a negative environmental effect, as in the case of aerosol propellants. Even if the effect—as in this case, that of hydrochlorofluorocarbons, or HCFCs, on the ozone layer—is “greatly reduced” from previous substances, there is no need for products which exist, or could exist, in another completely harmless form to be marketed in this format. Examples are deodorants, no-stick sprays, frying oils, hair sprays, etc.

3. Packaging which promotes convenience above environmental concerns, in particular single-serving condiment packs, creamers, instant soups in large, multilayer formats,

individually wrapped cheese slices, small portions of microwavable foods with disposable serving dishes as well as exterior wrappers.

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4. Multilayer packaging such as blister packs for items like hardware, kitchen utensils and toys, all of which could be marketed with a simpler, single material, recyclable packaging or labelling; Tetra Paks are another offender in this category.

5. Coated paperboard milk cartons for one- and two-litre formats, where less voluminous plastic bag containers could be made available in less than four-litre quantities. Alternatively, refillable glass bottles would be welcomed by many members of the public as an option when buying milk: 74% of 953 respondents surveyed would be willing to pay more for bottles.

6. Multilayered packaging added for prestige or to give the impression of greater product content than actually present. This applies to many cosmetics, beauty products and soaps.

These are only a few examples of areas of packaging we feel deserve examination and critical re-evaluation. At the present time the public has little choice when buying essential consumer goods but to bring home with them far greater quantities of packaging than they would wish, thereby contributing to the waste disposal problem which we now all face and which in our area is reaching crisis proportions.

We would urge the government to use the regulatory power expanded under the amendments proposed in Bill 143 to further the concept and availability to the public of fresh produce and other foods sold unpackaged in bulk form to a greater degree in retail outlets. This would allow consumers more choice and control over the amount of packaging materials they need to purchase and dispose of.

Ms Baldwin: Requirements could stipulate that a certain minimum percentage of food retail space be devoted to bulk sales.

As far as consumer education goes, this is important. A vital component of behaviour change in a society is that of education. We have seen the effectiveness of a concerted effort on the part of government and educators, for example in changing attitudes towards smoking. In our society where great amounts of time, research and creativity, not to mention money, are spent on presenting the public with very attractive and compelling advertisements, it is essential to provide the same public with information regarding the impact of their consumption.

That process has begun with the third “R,” recycling, and some behaviour patterns are changing with this new awareness. Application of the Environmental Protection Act, however, must extend directly to consumers, to enable them to participate in further efforts to protect their environment, with new and greater emphasis on reduction and reuse.

As concerned citizens of a country which produces more waste per person than any other in the world, we support the amendments outlined in part IV of Bill 143 which would expand the Ontario government's ability to

regulate and reduce the amount of waste generated by packaging and disposable products.

In conclusion, we believe the acceptable standards for packaging should be clearly defined according to the minimum amount required for product preservation and safety, and must be based on the imperatives for resource conservation, environmental protection and a new definition of progress as a move towards a conserver society. We call upon our government to share with us the responsibility to plan for the next seven generations and beyond.

The Chair: Thank you very much for your presentation. First question, Mr Turnbull.

Mr Turnbull: I want to congratulate you on your efforts. It is so important. I, for one, am a great advocate of mandating in some way that fast-food restaurants use plates and cups for the food that is eaten inside. We have to go in that direction. It is crazy that we have not gone in that direction before. That aspect of things I really believe in. Refillable glass bottles, all of those things I approve of.

I recognize this was not the particular part of the bill that you are here to speak about, but it seems incongruous, given the advances we have made over the years in terms of getting public input into environmental assessments under the Environmental Protection Act, that in one fell swoop we have a minister who has been in power for 18 months who has told us there was no garbage gap, who then comes forward with emergency powers where she is going to extend the life-cycle of two dump sites without any environmental hearings whatsoever and assumes dictatorial powers.

Frankly, I was surprised because, although I was not enchanted at the idea of the NDP being in power, I thought at least Ruth Grier would do a good job as an environment minister, because the state of our environment is a great concern to me, as I think it is a great concern to any informed citizen.

The Chair: Thank you very much, Mr Turnbull.

Mr Turnbull: But can you comment on—

The Chair: No, I am sorry, we will have to just take that as notice. There is no time for an answer to your question. You have used the two minutes allotted.

Mrs Mathyssen: I noted in your brief you said you had a great deal of support from the public to reduce packaging and you had taken that information to the press, to manufacturers and to the supermarkets. What was their response? How did they react to the information you brought to them?

Ms Baldwin: At the meetings held with industry members, very little response was made because they felt they could continue in the manner in which they are continuing, and that was the end of that. This was prior to our bringing our demands to the provincial government.

Mrs Mathyssen: We have had deputations from the industry that say the government should stay out of it, that they can police and regulate themselves. How do you feel about that?

Ms Baldwin: Have you seen any indication of this?

Ms Griffin: To give them credit, industry has certainly made some changes in terms of reducing.

Mr Sola: I would like to commend you on your brief because you have come across as looking at both sides of the equation. Usually you get portrayed as the wild-eyed environmentalist. I would like to commend you where you take into account the fact that where jobs may be lost in manufacturing new jobs must be created in research and development, in new product development, so you are taking away the ammunition from the critics of your approach.

The other thing I would like to commend you on is the fact that you actually detail where industry, and particularly the restaurant industry and the food industry, can reduce the amount of waste produced, because we always hear that if you bury it close to the source as possible it will encourage reduction of waste. But pointing out, as you did on page 5, sections 3 and 4, where the waste is being created—slices of cheese that are separately packaged and things like that—I think it is very important to point out that simple things like that can eliminate a lot of waste. I wonder if you could comment on that.

Ms Griffin: You want us to comment on—

Mr Sola: I want you to elaborate a little bit more on where industry, particularly the food industry, can eliminate a lot of this needless waste that is being produced just to make things more presentable, I guess.

The Chair: I am going to ask you, if you would, to take notice of question as well. We really do not have sufficient time remaining for you to be able to go into great detail. Both questions from Mr Turnbull and Mr Sola will if you wish be made available to you by the clerk and you can submit answers in writing to this committee over the course of our deliberations. I believe there are a couple of other questions for the record that some of the committee members would like to place. Mr Wiseman.

Mr Wiseman: Thank you. Other provinces and states in the US have machines that will pay a deposit back on soft drink tins and my understanding is that 78% of all soft drink tins are going into landfill sites, which means that something like 22% are being recycled. What is your stand on the use of deposits and machine returns to reduce this kind of waste?

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Mrs Mathyssen: I would request, Madam Chair, a fuller response to the second part of the question I asked.

Mr Lessard: I would like you to supply to the committee a list of the 12 most overpackaged items you found, and any changes there have been in packaging practices in any of those areas.

The Chair: Thank you. All those questions will be made available to you by our clerk over the next few days. I would also point out to anyone watching these hearings that everything is recorded in Hansard and those Hansards are available within a few weeks at Publications Ontario at 880 Bay Street. Thank you very much for your presentation.

TOWN OF PICKERING

The Chair: I call next the corporation of the town of Pickering. I believe the mayor is here. You have 20 minutes for your presentation. I would ask you to begin by introducing your delegation and to leave a few minutes, if you would, for questions from committee members. Welcome, Mayor Arthurs.

Mr Arthurs: Thank you, Madam Chair and members of the committee. In particular our member, Mr Wiseman, can certainly bring the perspective of our constituency on this bill. I know he has and will continue to do that.

My name is Wayne Arthurs and I am the mayor of the town of Pickering. Joining me is our acting chief administrative officer and in fact our town solicitor, Mr Tim Sheffield. We have chosen not to provide a written brief. We know that like myself, you have a lot of paper. I was speaking briefly with Jim this morning. He has a stack that you are wrestling with and you will be through that and review it intently.

I hope this morning we can bring a little bit of a community perspective to a couple of concerns we have and also, in answering any questions, the recognition that we are a municipality that has experienced environmentally related issues and landfill issues for a great number of years. I certainly appreciate the opportunity of appearing before the committee.

I guess maybe a little bit of background just on the municipality might help. I listened to the gentleman from Lake of Bays reflecting on his community. Ours as well has a lot of green space, but I think there are some other perspectives that deal with the sense of community and community involvement.

On our western border we have the Beare Road landfill site, a Metro site closed some years ago, and that had an impact on our community. Within our municipality, towards the southern border, we are home, and happy to be so, to the Pickering nuclear generating station and also the Durham-York waste treatment centre, which supplies a service to a broad sector of the community. Towards our eastern boundary was the proposed Brock South site under the solid waste environmental assessment plan by Metropolitan Toronto, which was a predecessor of some of the activities that have been going on. There continues to be leachate drawn off the Brock North landfill site in the town of Pickering on a regular basis. To the north of our urban areas is the Brock West landfill site, which has been one of two major recipients of Metro and Durham garbage for quite a number of years, since the mid-1970s.

Beyond that are some 43,000 acres of lands purchased and expropriated by both federal and provincial governments for new communities and airports. Our community has had a very active involvement in public process and taken an active interest and I think every opportunity to be involved in that way in a very active manner. We are very familiar with the impact that environmental issues have on communities and I certainly commend the Legislature and the government for providing this opportunity for municipalities and communities like ours to make representation.

Bill 143 I think in some ways presents a bit of a conundrum for the town of Pickering in being here. On the one

hand, we have consistently been of the view that Durham should be responsible for its own waste and should not receive waste from the municipality of Metropolitan Toronto. I think that came about historically more than anything else. We certainly were a willing partner with Metro Toronto in the planning for and opening of the Brock West landfill site during the 1960s and 1970s.

We have benefited financially from that over a great number of years, but I think in many ways it was mismanagement of the site from our perspective that led to the conflicts that we found ourselves in. I think it was the result of those conflicts that drove us into a position of looking at a Durham-only solution, as opposed to looking at a more cooperative solution with other municipalities.

On the other hand, Pickering consistently supported the idea that a full environmental assessment should be carried out in locating and approving any new waste disposal site. We recognize within this legislation the element of protection we have been looking for in many ways and that it would be a Durham solution to the long-term site. On the other hand we respect, and our community respects, the need for that fullest of public processes, and that is the conundrum we find ourselves in, in some ways, in even being here this morning.

I guess we believe in the principle that waste should be disposed of in the community in which it is produced—the bill certainly recognizes this—or quite possibly in the municipality that is willing to accept that waste, as we were in the late 1960s and into the 1970s on behalf of the municipality of Metropolitan Toronto. As I said, it is our belief that we should not preclude the review of all legitimate opportunities for waste disposal where we can find willing players and willing partners.

Within the legislation, under subsection 12(1), paragraph 2 in particular, one landfill site is to be located in Durham, having as its primary function the disposal of waste. At this point it is unclear to us as to what is meant by “primary” and whether that provides any opportunities for the doors subsequently to be opened. The bill as it presently stands does not accept the principle that full environmental assessment should be carried out for these new waste disposal site facilities. In effect, the bill precludes this from occurring in the three proposed sites, one in York for Metro and York, one in Peel and one in Durham.

It is my belief that the investigation of reasonable alternatives is central to the environmental assessment process. Whether that should be to explore incineration, to explore transportation to other jurisdictions or to look at multiple sites, I am reluctant to think we should preclude those if there is a parallel opportunity to explore them in addition to moving forward to a point where we need to resolve some of the more imminent issues in front of us. It may be that optimal solutions may not be found within the context of the current legislation. Good solutions can be found, but they may not be the optimal solutions.

We do have two principal areas of concern I would like to bring to the committee's attention. One is within part III, the implementation of the minister's report, and in particular the transfer station at Brock West. It appears the choice to have a transfer at Brock West was achieved rather arbitrarily.

There was no consultation with respect to that and we find it difficult for us, as a municipality involved in the process of public involvement, to find that arbitrary decision being made.

We need and have always desired the right to be heard on any waste disposal facilities that might be proposed. The capital investment—and I have to defer to our region, which has the responsibility for waste disposal in this regard—presumably is excessive. It is extremely high, as indicated by the region at this point. Based on that, I can only presume that the transfer station would have an extended lifespan beyond the interim period. We do not know what the plan would be for that at this point and no one is giving consideration to that. I find it hard to believe that the region would expend up to \$50 million—or if that figure is \$20 million, \$30 million or \$40 million, ultimately the \$50 million—that is being projected without some long-term use for a site of that nature. It is not likely to be simply mothballed. We have had no opportunity to explore and input into what that might be until the decision would be upon us, and there would be little opportunity then to be able to react effectively.

Current reports would lead one to believe there are other alternatives that may be better suited. Certainly, Brock West continues to operate at this point. It has been found, as a result of contours sinking and compacting, that there seems to be some additional lifespan available in it. Even further diversion of Metro waste would help to create capacity, and the possibility of using existing systems, the Scarborough transfer station if necessary, may preclude the need for this kind of expenditure or the imposition of a transfer station.

On that basis in particular, I hope the committee would consider recommendations that have been made here by others and by ourselves: that this part of the minister's report might be rescinded and that the imposition of a transfer station in an arbitrary fashion at Brock West might be reconsidered; and if in effect a transfer station is felt to be necessary within the Durham region, that there is a process whereby all the players within Durham region, the area municipalities, would be able to participate in that and find the best site and the best solution in the form of a transfer station for that purpose.

I think we need to avoid wherever possible the sense of crisis management and impending doom. It has plagued us for a period of time. It has plagued us through the Solid Waste Interim Steering Committee and it seems to be plaguing us in some instances now as the government tries to react in a positive and productive fashion to the needs it sees within the community.

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The most recent data we see coming out of Metro Toronto, with the extended lifespan of the Brock West site, the extended lifespan availability at Keele Valley even without extension of the site, would lead one to believe that there is a still a framework and a time frame available to us in which we can provide for that public input and which maybe will preclude some of these unnecessary expenses, and I do think they are unnecessary in some instances.

Expense is one of the reasons for not going through the process of legal consultation. I had the opportunity to see the representation brief prepared by another member of the municipality in the greater Toronto area. It is very, very extensive and was very well done but obviously at great cost. As a municipality in the SWISC process and with the P-1 landfill site, we expended some \$350,000 as an initiation fee, you might say, to get into the game and that was to get into the hearings, that was just to get started. As you realize, these costs are ongoing and excessive. We need to find better ways to expend those moneys and we have chosen in part, because of that, not to add additional paper.

The other question and concern is part II, the issue of the waste disposal sites. I go back to the conundrum. While we support in principle the protection provided Durham from the imposition of waste from the outside, and particularly as the local municipality, we certainly can be accused of being NIMBY, that I tend to think as being and being NIMBY again. There is some element of truth in that, sort of "not in our backyard," but more "again." We want to see and we want to have that protection.

But I am not convinced, I guess, that the current strategy of three sites within regional municipalities will create any greater sense of commitment, on behalf of the public, to being a conservator society. I am not convinced that four blocks, or 400 kilometres, in some cases, make any real difference to people. I think through the process that we are currently into of education, the process of changing value systems, the processes of legitimate legislation through recycling returnable products—we have all heard on many occasions about the need to return things, bottles, get the LCBO involved as part of that process—we can do more in those areas more effectively.

I guess I am not in agreement with the minister's statement, in her opening address here to start the process, that there is little incentive to reduce when there is a far-off place to send garbage. I think that may have been true 15 years ago, but I do not believe that it is the basic tenet of the public mood today. I would say that within our own municipality and within our neighbours' we were going through a process of a Durham-only master plan, and within Durham region there was certainly not a large degree of support when five sites were identified within I think four of our member municipalities.

It only took a couple of weeks for three of those municipalities to jump off the ship and say, "We don't want to play." They were not being willing partners even within the regional context. At that time, our municipality chose not to take that action. They chose that position for a couple of reasons: one, we were already involved with the P-1 situation, but two, we wanted to show the other members in Durham region that we are a responsible player and that we all have to be responsible players in that context and that we were not going to be the member municipality that indicated a lack of willingness to participate within our region.

Those are the two primary issues with respect to the bill that I guess affect us most intently. Certainly the transfer station, under the minister's report, is one that has immediate implications, and second, the issue of the landfill

sites I guess precluding the continuation, even in a parallel form, of looking for means whereby we can find willing players in a broader sense. As I say, I am not convinced that four blocks or 400 kilometres will make a difference in the public attitude. That will come, I believe, through the process of education, changing value systems and legitimate legislation that will help us to reduce the amount of waste we are getting into the system, which is a far more cost-effective measure than trying to recycle it or even reuse it. I thank you for the opportunity and welcome questions.

The Chair: Thank you very much. We have just four minutes remaining. I thought what we might do is have everyone put questions and then perhaps give the mayor a chance to respond.

Mr Sola: I would like to pose a couple of questions. How does your desire for a Durham-only solution square with, to use your words, the arbitrary choice of the Brock West transfer station by the government? Would you like to see a list of the potential sites for a long-term solution for the GTA?

Mr Turnbull: Very quickly, was it a good idea for the present minister just to kill the existing sites that were in the pipeline?

Mr Wiseman: You have raised the interesting question about willing host. I think it needs to be more clearly defined given the context that Durham has always relegated Pickering to be the willing host against Pickering's obvious unwillingness.

The second part of that question is, within the context of the IWA document on fairness what level of importance would you ascribe to the part of the document that talks about fairness in terms of municipalities that have already taken large amounts of landfill from other jurisdictions and what weight should that be given in the determination process for long-term sites?

Mrs Mathysen: We have heard some information—

The Chair: Please place your question. We do not have time for discussion.

Mrs Mathysen: In view of the fact that you have had some problems at Brock West with leachate and the dump falling into Duffin Creek, it seems that in some real ways you have been the victim of a transportation policy in terms of waste. I am wondering how in light of that you can support transportation or say that transportation should continue to be on the table.

The Chair: Mayor, there are about three minutes remaining. If you do not feel at the end of that time that you have been able to fully answer all those questions, please feel free to communicate with us in writing. Anything we receive before 14 February will become part of the public record.

Mr Arthurs: Since Mr Sheffield was taking some very brief notes on my behalf at this point, rather than trying to respond to those in the very limited amount of time, it might be advisable for us to provide a written response.

The Chair: Thank you very much for your presentation. We will look forward to hearing from you in writing at your convenience.

STORM COALITION

The Chair: I would like to call next the STORM Coalition. You have 20 minutes for your presentation. Please come forward now, introduce yourselves and leave a few minutes at the end for questions from committee members.

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Mrs Izzard: My name is Dorothy Izzard, a past co-chairman of the STORM Coalition, and with me is Joseph O'Neill, an active member of the STORM Coalition.

We are a coalition of citizen groups and individuals whose focus of concern includes preserving the environmental integrity of the Oak Ridges moraine. Within the context of our mandate and with reference to Bill 143, as well as to the draft approach and criteria for landfill site search, we wish to make the following points.

First, STORM totally supports the 3Rs principle as a first, effective and responsible means of dealing with waste quantity.

Second, we find totally unacceptable the closed concept which denies even the study and consideration of waste disposal methods other than landfill sites. Scientific incineration is being used by advanced nations and continues to be researched. The expense of installation can be offset by the production of energy. As for transporting outside the greater Toronto area, a willing host accessible by rail would curtail road damage and air pollution caused by heavy truck traffic through populated areas such as the community of Maple.

Third, part I of Bill 143 gives arbitrary powers to the Interim Waste Authority. The procedure for landfill search being carried out by this authority, presently on hold, is carefully phased and includes environmental studies and public hearings. But any public trust thus engendered is totally destroyed by the terms of sections 7, 8, 9 and 10. It is difficult to believe that civil liberties are not being eroded. The implications are disturbing.

With reference again to the approach and criteria for landfill search, STORM Coalition was most concerned to find the Oak Ridges moraine not listed as a primary constraint area. Our concern stems from the nature of the moraine and its function in the ecological balance of south-central Ontario. The moraine is a heap of mixed rubble, a highly permeable and vulnerable land formation of sand, gravel, stones and streaks of clay. It absorbs rain and snowmelt into a massive filtering and purifying system which either emerges in springs and small cold-water streams to form rivers—the Don, Humber, Holland, Rouge, Credit and Ganaraska—or filters further down to replenish the aquifers from which towns such as Newmarket, Aurora and Stouffville draw their municipal water supply.

The significance of the moraine has been recognized by both the previous and present governments of Ontario and by a private members' bill in the House of Commons.

In July 1990, in accord with recommendations in the Kanter report, an expression of provincial interest in the

moraine was announced, as well as a two-year study of the moraine with guidelines for its protection during that time.

In September 1990, David Crombie released the interim report of the Royal Commission on the Future of the Toronto Waterfront, Watershed, in which he gave even greater emphasis to protection of the moraine in order that the waters downstream and into the harbour not be contaminated. Premier Bob Rae and the Honourable Ruth Grier were present at the release of this report and indicated their full support.

In June 1991 the implementation guidelines and the two-year study were initiated by the Ministry of the Environment, the Ministry of Municipal Affairs and the Ministry of Natural Resources.

Yet the Oak Ridges moraine is not considered a primary constraint area in the search for a landfill site. One single horrendous example should suffice. The Keele Valley landfill site, within the community of Maple, is in the Oak Ridges moraine and on two headwater tributaries of the Don River. Only a clay liner lies between the permeable texture of the moraine and tonnes of garbage. Can that clay liner be guaranteed until 1999, until 2099? What is the potential for toxic disaster downstream, through Metro and into Lake Ontario? What are the long-term hazards of any landfill site established on the moraine? A panic-button approach at the present moment disregards any thoughtful consideration for the world of our children's grandchildren. Surely we must plan beyond a short 20-year period.

Fourth, for a non-profit coalition of citizen groups with common environmental concerns, all of us unpaid volunteers working actively and responsibly to preserve the ecological integrity of our part of Ontario, and all other citizens to be cut off from public hearings in regard to any aspect of the above-mentioned concerns comes as a most regressive and insulting restriction from a government elected on the premise of open consultation.

Thank you for being permitted to be at this hearing.

Mr Turnbull: Yes, I completely agree with you. I was shocked that we would see a government that had campaigned on that basis cut this off.

Recognizing that there is no doubt about it, that ultimately you have to make a decision and that one of the great problems we have in our society is that environmental assessments have stretched on and on—I am coming to the conclusion—I want to ask you if you have the same view, that rather than having this issue where there is no public consultation whatsoever, and the other end of the extreme where there is endless consultation and you never arrive at a decision, what would you say is the ideal length of consultation for public input?

Mrs Izzard: Surely a final decision would not be made without public input, after considerable research and environmental study of any site chosen.

Mr Turnbull: What I am getting at is recognizing that this government, like any other government, has the difficulty that it has to govern and that the environmental process has spun to the point that it is costing taxpayers enormous amounts of money because we are extending the process. I am in favour of the process. I think it is absolutely essen-

tial that we have public input and that we have the right of appeal, but surely the ideal ground is to arrive at a more determinate period of time. On the one hand, here we have the minister taking away any question of public discussion, which is wrong, and, at the other end of the extreme, we have unlimited discussion. Can you put a time limit on it? I have asked this question to other people who have been presenting.

Mrs Izzard: I do not think it should be extended beyond the point of unreasonable expense. I cannot be specific, but surely there is a happy medium somewhere between no appeal and years of extended appeals.

Mr Turnbull: As far as incineration is concerned, it is quite clear there is a group of people so fundamentally opposed to incineration that just the very mention of it sends them into hysterics, and then there are other people who advocate it. How can we bridge the gap in terms of convincing people that it is not just industry getting a scientist to come forward and say, "Don't worry, folks, there's no risk," because that is the problem if somebody is very firmly against incineration. I wonder if you can respond to that.

Mrs Izzard: We are not wholeheartedly advocating incineration; we are simply asking that it be studied and considered, that it not be ruled out as it is in Bill 143. All alternative methods, besides dumping garbage in a hole, have been ruled out. We are looking forward to the public hearings that have been promised by the Rail Cycle North group.

1130

Ms Haack: Ms Izzard, I appreciate your comments. I live in the area that is part of the escarpment, and I am not as familiar with your area, so I was happy you gave me a map. Maps are wonderful things. But in looking at it, it is rather expansive. I have heard discussions about the Oak Ridges moraine, but I have not actually seen it described in this way before. Is this a rather broad definition of the moraine? What is included in this diagram?

Ms Izzard: That is the moraine area as defined by the Ministry of Natural Resources. This is their map, in part, from the Kanter report. It is the Oak Ridges moraine area. The area that is covered—all you have there is the GTA. It extends into Simcoe county, it extends into Dufferin, and further to Northumberland.

Ms Haack: I see. I guess some areas are deemed as parkland and some areas are deemed as, say, much more sensitive areas hydrologically?

Ms Izzard: We are in process now of a two-year study being carried out by the three ministries, during which time the moraine is protected to some degree by the guidelines that have been drawn up.

Ms Haack: I see. I understand what you are saying about the nature of the moraine, and obviously that would give people some concern. I know that in the process of discussion around the bill, these very sensitive hydrological areas would be exempted, and I was wondering if you had come across that description.

Ms Izzard: Yes, they are, and also in the waste management primary constraint areas. They do include ANSIs—areas of natural and scientific interest—they do include environmentally sensitive areas, but that does not cover the moraine. Many of them are in the moraine, but that certainly does not cover the whole territory.

Ms Haeck: It does not cover the whole territory?

Ms Izzard: No.

Mr McClelland: Thank you for being here this morning. You mentioned that you are representing a coalition of citizens' groups with common environmental concerns and that one of your basic concerns is ecological integrity.

My colleague Mr Turnbull made a very interesting, relevant and significant point. You are not advocating any particular method. What you are saying, as a group of citizens, a group of people who have a common theme, is that you want to ensure that the best, most environmentally sound alternative is arrived at. To do so, you believe you need the participation of the public and the scientific community and any expert testimony and witnesses that can be brought to bear to help arrive at a conclusion that leads us to the best solution or solutions. Is that a fair summary of your position?

Ms Izzard: Yes, it is, Mr McClelland.

Mr McClelland: Is there anything you would like to add to that in terms of your belief that the public and citizens' groups such as yourself and the coalition of groups that you represent—the important role you feel you have to play, and indeed ought to have to play, in this process?

Mrs Izzard: I think it is extremely important that citizen input is possible, as this committee has made possible at this time, and that it continue to be possible.

Mr McClelland: Do you feel it is fair to say that citizen input and participation is a hallmark, and in fact an underlying principle, of a democratic society?

Mrs Izzard: Absolutely, yes.

Mr McClelland: And would you feel that to deny that is contrary to those very basic principles?

Mrs Izzard: And contrary to the premise on which the present government was elected.

Mr McClelland: A government that talks about democratic, open principles and at one point said it would be prepared to release a list of potential sites in and around the greater Toronto area. Now we have been told very clearly that a list of such sites does not exist, and we accept that because we have been told that by the parliamentary assistant.

We are also curious to know, then, what the Interim Waste Authority has been doing in the meantime. They have given us a good summary of their process and the procedure they undertake. Would you, as a citizens' group, like to have a summary of the consideration and the application of criteria for the various parcels of land in the area you represent? In other words, would you like to have some sense of what they are looking at, where specifically they are looking in your area, and what work they have

done on those specific parcels of land in your area? Would that be helpful to you?

Second, do you think it is simply, when all is said and done, fair that they provide that to you? Is that fair and reasonable?

Mrs Izzard: We are very anxious to have that information.

Mr McClelland: Why do you think the government is not prepared to release that, and why do you think—and I will use the word—they are hiding it or trying to withhold that information from you and citizens' groups like yours across Ontario?

Mrs Izzard: We are involved in the Interim Waste Authority committees in three regions. We have expressed our willingness, at their request, to serve on such committees. We have also received correspondence indicating that the long list will not be released so long as—implication: citizens like ourselves are delaying the process by fighting Bill 143, that Bill 143 must come through first.

Mr McClelland: I would like you to expand on that, because you have said something very important and I want you to repeat that for the record. Let me put it in context.

We were told by the government House leader, "Cooperate with us"—i.e., the opposition, Mr McClelland, Mr Cousens—"and we will release that information to you, first of all, in November." We said: "No, we are not going to cooperate in the sense that we will let this bill pass before the House adjourns. People deserve to have input and this is wrong." They said, "Well, cooperate with us, give us at least part of it, and we will give it to you in December." We said, "No, we want public hearings on this." They said, "Two weeks." That is the context in which this came, and I am relaying that to you.

I had a memorandum from the government House leader that said: "Do this, this and this, and we will give you the list. Don't do it and you won't get the list."

The Vice-Chair: Excuse me.

Mr McClelland: I think the witness should be able to conclude. I want you to repeat, if you could, that point you made.

The Vice-Chair: You will have to take that as notice and put it in writing. As long as we get that by February 14, I guess it will be part of the public record.

Mr McClelland: On a point of order, Mr Chairman: I wonder if you could provide that for us as soon as possible—possibly tomorrow—and I will read that into the record.

Mrs Izzard: I can get a copy of that letter.

The Vice-Chair: There are two minutes left for the NDP caucus.

Mrs Mathysen: The powers for site inspection in this bill are quite reasonable and appropriate and are consistent with the Charter of Rights and Freedoms. Do you not think that public agencies acting for a valid public good should be able to gain access to land to make sure that we get the best and the safest possible site?

Mrs Izzard: Not at the implied risk of accusing anyone who resists of a criminal offence.

Mrs Mathysen: That is not what it does.

Mrs Izzard: In sections 7, 8, 9 and 10.

Mrs Mathysen: No. I think if you look at that carefully you will see these particular powers have been designed in order to protect the rights of the citizens and, in many ways, are less onerous than the current rights of municipalities in this regard.

Mrs Izzard: Could I point out first of all that if "pre-paid mail"—I am presuming this means a stamp—"shall be deemed to have been received on the fifth day after the date of mailing of the notice," the author of that point does not live in the real world.

Second, if we go on to subsection 11(4), which I did not quote, "Any person who contravenes subsection (1) is guilty of an offence," presumably punishable by law.

Mrs Mathysen: But by virtue of the fact that in order to find a good site, in order to ensure the public safety and in order to ensure that the site chosen is the best that can be found, is it not incumbent upon the inspectors to make sure they have the kind of access they need in order to find that site?

Mrs Izzard: Surely not in such a confrontational manner.

Mr McClelland: On a point of information, Mr Chairman: I am just wondering if Mrs Mathysen is offering a legal opinion that is contrary to that of every legal opinion that has been rendered before this committee. Is that just a personal opinion, or is it a legal opinion contrary to those offered by Mr Lederer, counsel for the region of Durham—

Mr Wiseman: This time should be removed from the next deputation. That is frivolous.

The Vice-Chair: Mr Wiseman, you can put your question on the record, and anybody else who has questions for the record.

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Mr Wiseman: My question has to do with your second section, which talks about "a willing host." In the region of Durham, the municipalities—there are seven or eight of them; I could go through the list but it would take too much time—have all agreed that Pickering would be the willing host for the P-1 landfill site which the Liberals were going to do under an Environmental Protection Act greatly scoped, with no consideration for refusal.

Could you supply us with what you mean by "willing host" and how that would be defined?

Mrs Izzard: Not on the spur of the moment.

The Vice-Chair: That will be for the record, the same as the previous question, which the Liberal member posed. As long as you bring it before the committee or send it to the committee before February 14, it will become part of the record.

We thank you for your presentation. As you know, if you have any additional information, you can always send it in to the committee. As long as it is in before February 14, it will become part of the record.

Mr McClelland: I have a question for the parliamentary assistant, for the record. I wonder if it is the position

of the parliamentary assistant or the government that the impact in terms of civil liberties and the rights of citizens is in fact a trivial matter. I would like your comment on that at some point, on the record, Mr O'Connor.

RIVERRUN RATEPAYERS' ASSOCIATION

The Vice-Chair: We go to our next deputation, which is the RiverRun Ratepayers' Association. Would you begin by identifying yourself. You have 20 minutes. We would appreciate it if you would leave some time at the end for questions by the various parties.

Mr Portolese: My name is John Portolese. I am here representing the RiverRun Ratepayers' Association, which comprises approximately 2,000 homes. Its borders are the Credit River to the north and west, Creditview Road to the east and Eglinton Avenue to the south.

On behalf of the RiverRun ratepayers, I would like to express our serious reservations about the sweeping provisions of Bill 143. In trying to pass Bill 143, this government has broken faith with the public by breaking election promises that no dumps would be expanded without public hearings. The decision to expand the Britannia landfill site was made without any public consultation or environmental review. The NDP, who continue to preach open government and public consultation as their guiding principles, have shown us another example of this by making the decision to expand Britannia and then consulting with us, and only after a considerable effort on our part.

By far the most disturbing part of this bill is the emergency powers the Minister of the Environment has granted herself under the Environmental Protection Act. Emergency powers might be necessary if it were truly an emergency situation, but we who live around the Britannia landfill site know at first hand how an emergency can be created for political and not just environmental reasons. For those who do not already know, Britannia was supposed to close this year. When the site was first selected, legal documents and agreements were signed by all levels of government guaranteeing Britannia would close after 12 years or when its contours had been reached. Residents who lived around the site at the time were given assurances that the garbage problem was being handled responsibly and equitably by the governments of the day.

We all create garbage, we were told, and it was only fair that we take our share of the unpleasantities and inconveniences associated with its disposal. Britannia, we were told, was state-of-the-art and could safely take the amount of garbage it was designed for. The citizens of the area, like unsuspecting sheep, believed what they were told—after all, there were signed agreements—and went back home believing that a difficult situation was being handled responsibly, intelligently and fairly. Meanwhile, the region of Peel went about selecting the next site in the Brampton area because it had the agreement with them that we would take turns taking each other's garbage. Mississauga was and is doing its part.

All was going well in the region of Peel until Ruth Grier became the Minister of the Environment and, bowing to NIMBY pressures from Brampton, stopped Peel's search for the next landfill site. With Britannia scheduled

to close, this caused a garbage emergency. Ruth Grier was then able to use her emergency powers to force Britannia to remain open. Her decision to extend the life of Britannia was made without mention of any environmental study to see if it was safe to do so, and without any contingency plans in the event it might be found unsafe.

We around Britannia were told this decision was made to protect the environment, but whose environment is being protected, we would like to know. Britannia is just over six miles from Lake Ontario and is semicircled by the Credit River less than one mile away. Carolyn Creek runs through the site's southern portion, which in turn feeds the Credit River and Lake Ontario. I cannot understand how some environmentalists feel justified in piling garbage higher at Britannia in order to save other areas.

It is interesting to note that the riding where Britannia is located did not vote the NDP in during the last election. We might understand better if the minister had just halted site 6B in Brampton for environmental reasons if she was committed to finding a new site. But no, she stopped the search completely, thereby wasting millions of dollars spent by the region of Peel on waste management, and left us hanging high and dry with no powers of our own. "We are now in a garbage crisis," she said, and could therefore use her emergency powers to force Britannia to stay open. She in effect interfered with another level of government which had been responsible, forced it into an emergency, and then decided to save us all by using her emergency powers to expand Britannia. We say to you that her so-called difficult decision was politically, not environmentally, motivated.

To put it another way, when Ruth Grier took office, with very little deep thinking she scrapped entire systems that were in place, such as the Solid Waste Interim Steering Committee, and could not or did not replace these systems with something new or workable immediately. By so quickly scrapping these systems she wasted millions of dollars already spent and committed the region of Peel to spend millions more to fix things. I say to you if an executive in private industry acted this irresponsibly at her employer's expense, she would have been thrown out on her ear. Even if I believed her motives to be pure, I would still have to criticize her methods. The sad thing is, what is to stop the next Minister of the Environment from scrapping her systems and starting this all over again? If you are thinking that would not happen, just think back to when Ruth Grier overturned the previous government's decision and signed agreements concerning Brampton's site 6B.

The point I am trying to make is that the emergency measures are a double-edged sword and many areas and people who are in favour of this bill may be cut by the other edge of the sword in the future. That is probably one of the major reasons this bill is being introduced before a list of potential dump sites will be released. By removing people's democratic rights because of an emergency situation, which is what this bill is doing, you are opening the door to totalitarian forces. Many of the past ruthless dictators felt justified twisting laws here and there for what they convinced themselves was the common good. Ruth Grier, we believe, created an emergency so she could use her

emergency powers. This bill will further sanctify emergency measures and remove the democratic rights of many to object.

The Minister of the Environment stated she would not expand "if I had my druthers," but in order to find an acceptable long-term site, which will go through a full review, it is necessary in the short run to make some unpalatable and difficult decisions. I find it ironic that this government has terminated the search for one site in Brampton because it was exempt from a full environmental assessment but is willing to expose our community to potential health and safety risks while expanding the Britannia landfill site without so much as an environmental protection review, let alone a full environmental assessment. Can this government guarantee the safety of our community?

I am surprised that the provincial government is taking total control and responsibility of the waste management issue while graciously allowing the municipalities to pick up the cost, when at the same time the government is limiting its handouts to the municipalities to a 1% increase. Meanwhile the region of Peel has already spent over \$8 million of taxpayers' money to find an interim landfill site which would have allowed Britannia to close on time and as per signed agreements. This would have avoided any possibility of compensation to the developers around Britannia, as proposed by Bill 143. But what are a few more dollars and all this time and money wasted, considering we are further behind today than when the NDP took office?

Now the province wants the region of Peel to spend another \$1 million to conduct some studies to see if the expansion of Britannia is feasible or even safe. Nowhere have I seen what contingency plans are in place in case these studies prove to be inconclusive or even prove that Britannia would be a health and safety risk if expanded. Where will our garbage go then, and who will pay for hauling it somewhere else? Anyway you look at this crisis, the taxpayers will have to pay for whatever decisions are made by this government.

The Ministry of the Environment talks about a 25% waste diversion from disposal by 1992. How does this government propose to do this, when Mississauga is thinking of banning all plastics from its blue box recycle program because there is currently no market to handle the tons of plastic that are being stockpiled? Why is this government not spending more time and resources on building this market, instead of trying to pile it at Britannia?

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Not being a politician or a lawyer, I am not qualified to discuss all the merits or shortcomings of Bill 143. I have neither the time nor the resources to change the outcome of this bill. However, I feel there are certain parts of this bill that affect not only us residents living near the Britannia landfill site, but every resident of Ontario. How can we, as citizens, ever have faith in any level of government when what we are experiencing with Britannia shows that one level of government can interfere with legal and binding agreements of another and can do so without any recourse for those affected? How can the minister go to a proposed new site and convince its residents to accept

the landfill site when any agreements can be overruled so easily?

Even with the passing of this bill, what will happen if this government or a future government is unable to meet the proposed target date for finding a long-term landfill site? How many years and how many more lifts will the minister force on Britannia with her emergency powers? Does this mean Britannia could be doomed for even more lifts and a closure date of well into the next century? We in Mississauga are clearly the scapegoats for this government.

I just wanted to add some comments that are not part of this. Our association had something to do with a six-point action plan, along with two other associations. To date, we have not heard any response. All we want to do is discuss the outcome of our community. Just to make an observation, I have been watching these proceedings on television the last few days and I have been overwhelmed by the number of negative comments that have been made about Bill 143. I am surprised we still have to go through all this. The bill should be taken back and reworked. It should be made fair for everyone. Thank you.

The Chair: Thank you for your presentation.

Mr McClelland: I will start by prefacing that I did not know we had any influence in Brampton any more, that there was any response to any NIMBY pressures from Brampton. I did not think that was part of it, but I am interested in your observation to that end.

I think it is also interesting that you note the ridings most drastically affected—Vaughan, Mississauga, Peel and those areas—were not politically or electorally friendly to the New Democratic Party. I am not sure that one can draw any inferences from that, but I certainly think it is very interesting.

In the two minutes we have, I would like you to pursue the issue of fairness, and the things that you talk about on the second full paragraph on page 2. One who is sitting opposite on the government side would say that is a fairly—if I can presumably use the words—outrageous and inflammatory statement, that some people justify some things they do because they believe it is in the common good. How do you respond to people who say, “We will do whatever we want to do, because we know best in all situations; we happen to know what is right”? How would you respond to that as a citizen and as a ratepayer?

Mr Portolese: As citizens, as ratepayers and taxpayers, we are very disappointed in the way the minister has handled this by creating these emergency powers and not giving us a chance to even comment on any part of the bill or any of her decisions. She has basically created this situation herself, without taking the time and effort to consult with all kinds of people, not just the residents, but legal and political and environmental people, in coming up with this bill. Just to reiterate, we feel she is basically twisting some of the rules around in her favour so that she can take advantage of them.

Mrs Marland: First of all, I would like to congratulate you on your presentation. You do not ever have to apologize for not being a lawyer etc, because you

have been very articulate and have made an excellent presentation.

When you talk about Britannia originally closing, and the signed agreements, I think it is important for this committee to know that those agreements were signed by the city, the region and the province, and approved by the Ontario Municipal Board. When you refer to the minister scrapping the systems, she also has scrapped the systems which she supported in opposition. I know you are very much aware of that. You are also aware, I know, that she signed a secret cabinet document agreeing to two lifts at Britannia. That is why your group and the residents in my riding are sceptical about this one lift request.

You have brought with you your six-point request from the area residents. I am aware that that is the same proposal you gave to the minister when she attended your public meeting. Have you had any response from the minister or her staff on that proposal, which was presented to her three weeks ago?

Mr Portolese: Not to my knowledge. I know the Peel regional council asked for a meeting within 14 days—and that was a few days ago—to discuss this with her. We have not had any response yet.

Mr Wiseman: I would like to make just a couple of comments. First, when Mayor McCallion was here, she indicated that site 6A was the preferred site for Peel and that it was undergoing a process until it was cancelled by Jim Bradley, implying some connection to the Ronto Development Corp. Then that created the necessity for site 6B, which the Liberals had put under an Environmental Protection Act hearing, similar to the P-1 site, which was under an EPA hearing in Pickering. Groups had already formed to have court challenges both under the Charter of Rights and Freedoms and under the Environmental Protection Act and the Environmental Assessment Act. It was highly unlikely that either of these two sites would have been available for tipping or landfilling by this year. My question to you is that since Britannia was supposed to be closed by June of this year and presumably site 6B and any other site would not have been up and running by now, where would the garbage have gone?

Mrs Marland: But 6B was five years ago.

Mr Wiseman: Well, 6B was still not up and running, and it was still undergoing an environmental assessment.

The Chair: This is not the time for debate. A question has been asked; please respond.

Mr Cousens: We have to have accuracy, and he does not have accuracy.

Mr Portolese: To comment on that, I believe Mayor Hazel McCallion mentioned that through SWISC they made some arrangements to cover any garbage gap that might happen if Brampton was not ready in time.

Mr Wiseman: So it would go somewhere else.

Mr Portolese: It would go somewhere else, but for the short term. Right now it has no place to go. It has to go to Britannia. That is one of the reasons we, being responsible citizens and residents and not wanting to pay a lot more in taxes to take our garbage somewhere else, came

up with this plan. It is just that we want a guarantee that it will close some time and not remain open indefinitely, which is the way it sounds so far. We are looking at 1997-98, and that is if she passes this bill, I assume, and amends the Environmental Assessment Act as well.

The Chair: Thank you very much for your presentation this morning. We appreciate your coming before the committee.

Mr McClelland: When is the parliamentary assistant or his office going to provide all members of the committee, particularly Mr Wiseman, with a summary of what happened with 6A and 6B so that it would be understood that 6B is in fact part of 6A, that they are an overlap? I think it is important we operate from a common, factual base and that it is understood.

The Chair: That will be noted as a question on the record for the parliamentary assistant and the ministry.

Mrs Marland: My question also is to the minister. Can we have a response to this very reasonable six-point proposal—which, incidentally, agrees that they will accept one lift? They are not saying, “No garbage at Britannia.” We would like a response from the minister to that proposal.

Mr Cousens: I would like to have a list of all the questions we have been asking so I will just know what I can expect to get answers to. When could I have a list of questions? That is another question that I would like to have on the record.

The Chair: The list is available in Hansard. Hansard is available through Publications Ontario for anyone who is viewing and watching these hearings. For you, Mr Cousens, Hansard is available in your mailbox downstairs.

Mr Cousens: But there should be a summary.

The Chair: Are you requesting a summary of all of the questions?

Mr Cousens: That is right.

The Chair: I will ask our research people to see if they can pull out a summary of the questions which have been asked.

I have a request from the parliamentary assistant to respond. We just have a moment.

Mr O'Connor: Just in response to the six-point action plan, I realize that you have not received your answer yet, but it is being looked at right now and reviewed and responses should be prepared and forthcoming at some time in the near future. That is just to say it has been received and we appreciate your patience. Thank you for your presentation today.

The Chair: Thank you very much. We appreciate you coming before the committee this morning.

Mr Cousens, I have asked research, and they will provide all members of committee with a list of the questions that have been asked of the ministry to date.

Mr Cousens: Thank you very much.

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CONCERNED HOMEOWNERS FOR THE ENVIRONMENT OF KING

The Chair: I would call next Concerned Homeowners for the Environment of King. Please come forward and introduce yourself to the committee. You have 20 minutes for your presentation.

Just speak right into the Hansard microphone. Everything will be picked up, and everything is on the record. Please leave a few minutes after your presentation for questions from committee members.

Mr Sutherland: I understand. This presentation will be without any documentation. It is basically off the top of my head and from the bottom of my heart, I guess. It will be in three parts. First I will credentialize myself, second, I will try to give a broad overview and, third, I will take a little tiny portion for NIMBY.

By profession I am a geological, mining and environmental engineer. I am representing a group of homeowners in King township who have been situated with a landfill site problem in the past and are facing one in the future.

I graduated from the University of Toronto in 1952 in mining, engineering and geology, taught at the university subsequent to that and then went into the consulting market. In 1970 I got involved with the government of British Columbia for environmental determination of placer mining in the streams in the Cariboo area. I worked with the government of Dominica in the West Indies developing forestry, mining and industrial park environmental concerns, because they have a primitive rain forest and are very at risk on soil erosion factors. I worked in Africa with the government of Guinea regarding placer mining in a water-depleted area so there would be adequate water and unpolluted areas in that district. I have worked with a number of concerned citizens' groups regarding landfill sites and other environmental matters. I am currently negotiating and working with the government of Newfoundland to develop an environmental climate regarding reforestation. I live in King township, and my interest is both as a homeowner and as an environmental engineer.

As an environmental engineer, I am not a pragmatic, all-at-once environmental person. I must take issue—and I am going to step on a few sacred cows, I am afraid. I hope you will find that my presentation is non-partisan, non-political. Hopefully it will affect everybody in the mind and in the heart.

It is basically the fact that we must make every effort to cut back on pollution in any way possible. I take issue with the environmental groups—and I will name two, Greenpeace and the one here in Toronto, Pollution Probe—that in my opinion want only a soapbox, because they are not prepared to take partial solutions. Mankind must take steps at a time. You cannot start running when you are born, you have to go slowly. You have to learn how to do things, and let's learn how to do them, instead of saying, “You must have this done completely or we won't even consider it.” Let's take these first steps.

The whole concept of Bill 143 is, where are we going to put waste? If you put waste in the farm lands surrounding the municipality of Metropolitan Toronto, you are doing three things. First and foremost, the people who live in those areas do not have city-piped water. The majority of them have wells or local water systems and most of them grow some food crops. By putting in a landfill site—and it has been proven that it does do it—it will pollute the aquifer systems, the surrounding water systems that these people depend on, on top of which it is removing from the food chain what we will perhaps not need today, but your grandchildren will say: “Hey, we’ve got no farm land to grow food. We’ve got to bring in food from Pennsylvania or Florida or Mexico.”

We have some of the finest farm land in the world around Toronto; why should we dig up perfectly good farm land and residential land for landfill sites? If you want to put a landfill site somewhere around this area, put it under Toronto, because we do not draw water or food from Toronto. Put it under the pavement of Toronto. Toronto is paved. You could stick garbage under Toronto and it would not pollute anybody or anything. If you want to get a real spot to put it, put it in the Don Valley brickyards and watch Rosedale scream. There is your thinking.

If you have to go that route, and I do not think you should, science and the technology of today, the engineers, can take a gravel pit that is normally an eyesore, line it with either clay or vinyl liners and use it as a waste fill site. I think if you go out and spend millions and millions of dollars on new sites, like the ones proposed in the forthcoming plan, you are going to be developing and spending a lot of money on a technology that five years from now may be totally wasteful. You have gone and spent the money. You say, “Hey, we’ve got to keep on doing it because we spent the money,” and you cannot go to the new technology. I think that is foolishness.

We have to find something to do in the interim. If we took the system that was proposed and accepted by Kirkland Lake and the northern communities to rail haul the garbage to the mining communities and put it in the old mines, we know for a fact, and your own departments of Mines and the Environment will tell you, that the majority of the mines in the pre-Cambrian Shield are sealed, are resistant. As a prime example in my experience, there was a property on the shore of Porcupine Lake. The shaft was no farther away from the lake than I am from Madam Chair, yet the water in that mine was 30 feet higher than the lake and when the the Environment ministry tested it there was absolutely no seepage, which indicates that those kinds of pre-Cambrian mine shafts are competently sealed and there can be no pollution seeping out of them.

But what happens? We send trainloads of garbage up to Kirkland Lake and those trains come back empty. If you took that system and had those trains coming back with goods manufactured in the northern communities—in other words, if you initiated a low-cost rail corridor, because you have to send the garbage up anyway and you have trains coming back empty—it would then take the factories and industrial sites out of, again, the prime farm land we have around Toronto, put them in the northern

communities where you cannot grow anything but scrub timber on rock, and you could develop a beautiful economy in the north that would keep them happy. You would keep the north country happy and it would provide a low-cost interim settlement for waste disposal, effective today. That way, you are creating new jobs, you are creating new industries and you are showing foresight in the location of industrial and manufacturing sites. The only thing that makes people put plants here is the cost of shipping it to markets, because we have a country 3,000 miles wide and 100 miles deep, and that is bad economics when you are trying to ship manufactured goods back and forth. But if you have that low-cost corridor, which is already paid for by the empty trains going up, then you have the capability of providing a very low-cost transportation system that would bring the goods down. To me, it makes a lot of sense to think on that basis. It is intelligent, I think.

That is the overall basis of it. I guess the NIMBY part is that I live in a beautiful section of King township. Two of the potential sites are located less than a mile apart in the northwest corner of King. We have proven the one site, through the ministry. The ministry ordered it closed because it was polluting the aquifer which leads to Holland Marsh. If that site had continued and if the new site goes in, there is a very good chance that Holland Marsh could become polluted and no longer capable of producing food, which would be a terrible detriment to the agricultural economy of Ontario and of that community. Again, we would be destroying part of the food chain.

The two sites also feed two other water sources. They feed into the Nottawasaga River going up to Lake Couchiching, and obviously the one going into the Holland Marsh is from the Schomberg River. At the other end there is a lake and swamp area—wetlands—that feed into the Humber. So you see the potential of polluting three water sites in the NIMBY area is very strongly there, because it has been determined already by tests by the ministry and by ourselves that, although there is a clay base, it is permeated with vertical sand seams and there is no competent clay layer between the aquifer and the surface, so you would get a lot of pollution going from any site into the water systems. Those water systems feed a huge community of over 100,000 people: York region, Simcoe, Peel.

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I just do not feel that there is a heck of a lot of sense in destroying future potential for quick short-term fixes. Let’s think ahead. You have to remember that when you put garbage in a landfill site it decays. In many cases it decays in five years, 10 years, 50 years, 100 years, depending on what it is, but the decay releases pollution into the soil, into the water and into the atmosphere. If you take that same garbage and burn it under controlled conditions with the technology that exists today, you are creating exactly the same pollutants. You are doing the same thing. All it is is a fast conversion of the decomposition process, but with the fast process, there are enough controls and scrubbers and technology on the market today to produce a clean effluent.

So what do you do? Instead of building a burning station, you build a station that provides heat for the Parliament

Buildings, low-cost housing. You burn this garbage, because basically the majority of the stuff that will go into the landfill site will burn, and use it to heat. Do not waste it. There is recycling of your first order.

I just cannot understand the technology that says incinerated garbage is less polluting than a landfill site, because the pollutants are exactly the same. All you are doing is controlling the pollutants. With the technology that is going to be developed in the next three years, you can probably use a lot of those waste products that come from the stacks. Ladies and gentlemen, thank you.

Mr Martin: You certainly make some really interesting and valid points. I do not think anybody around the table at this committee would disagree with your concern re the impact of the the garbage problem on some of the very arable and valuable lands of southern Ontario. Certainly this piece of legislation is an attempt, perhaps imperfect, however, to move that agenda forward, the emphasis on the 3Rs, so we might in fact reduce some of the garbage and then ultimately recycle and reuse some.

I do not know if you know, but I come from Sault Ste Marie. We have a difficult time with the attitude that it makes sense to solve one group's problem by creating one for somebody else. We would be interested very much in further discussion about the possibility of industrial development around the resource that waste often is and certainly would want to invite some further discussion with you, even beyond this committee, around that question. Perhaps you would want to comment on the comments I have just made.

Mr Sutherland: The comment I would make on that is that I as an environmental engineer have offered my services to many of the municipal and governmental bodies, not on a contract basis and not on a cost basis but on a basis of a concerned environmental expert, I would say, using the term very loosely, because X is the unknown quantity and a spurt is a drip under pressure.

I would be more than willing to provide as much input as I can. Problems have got to be solved, and I think they need people who have the mental capability, the mental ability to solve these problems. Not everybody does and not everybody wants to. I am very fortunate in that I do seem to have a bent for solving problems, coming up with answers that seem to work. As such, I am certainly available. I think, as you say, the concept is flawed. Let's try to unflaw it.

Mrs Fawcett: Thank you very much for coming this morning and making your presentation. I can certainly say I agree with many of the things you have said. I find it absolutely shocking that this government that prides itself on its care of the environment could not see its way clear to send one person to the major press conference all the farm groups had this morning, committing themselves to environmental farm plans. I just find it very strange that not one member was there. Really, on where we put garbage, on farm land, I think your points are well taken.

I am wondering if you could comment on the inspectors who will now be allowed, with police backup and warrants, if they are needed, to come on to your land and

test, or any land anywhere and test. Do you have any comments?

Mr Sutherland: Yes. My comment on that is very simple. It is one word, "shocking," because to me it is a police state. One of the functions of government is to work for the people and work towards making a better life for the people. I do not think any form of legislation that forces the people to do something they do not want to do—I guess I am an old-fashioned person; I believe a man's home is his castle. If somebody else goes out there and spends \$1 million or \$500,000 or \$200,000 building himself a home then he has the right to casual enjoyment.

Just apropos of that, the most important way of stopping garbage is to stop people making it. Recycling, remodeling or anything else like that are nice words, but they do not make people work. If you stopped collecting garbage in the city of Toronto except once a month for the first year, once every two months for the second year and once every three months for the third year, and if they had to store it on their own premises, people would make a heck of a lot less garbage. That is something people should think about.

Let's give the people a push, because if it is not dumped in their backyard—everybody knows the NIMBY effect—they are not concerned. Only the ones that have an environmental bent or are stuck near a waste fill site or some form of garbage dump really get up and scream. The majority of people who appear before you have some kind of a thrust that way. So let's put the pressure on the public to stop. If they have to hang on to the garbage for a while, that is going to make them stop. That is going to cause the manufacturers to produce less wasteful packaging and it is going to cause the household users to think twice about what they buy, which includes I might add using locally grown food products instead of importing them in packages from other parts of the world.

Mr Cousins: I want to compliment Mr Sutherland and thank him for his presentation. You know, there is something good about someone who is not wasting more paper on the committee. We will get this printed up in Hansard and see it. I really mean it. When you can come and speak genuinely and sincerely as you have, I think it reflects a caring person.

I want to come to some solution on this, though. I am worried by the legislation. In Bill 143 the minister has said she does not want to have garbage shipped out of the Metro area and she also excludes the possibility of incineration. She has made these policy decisions. What we are trying to raise, and I sense that the Liberals are in the same position as our caucus—we are not saying we are in favour necessarily, but let's expose it to an environmental assessment. Would that make sense to you from where you are coming from? We are not just saying you have to incinerate. We are not just saying you have to ship it, but at least subject those issues to a broader assessment to consider the pluses and the minuses. Could you comment on what we are talking about, because we are saying something a little different than you, maybe. I would just like you to critique it.

Mr Sutherland: One of the things I wanted to try to avoid when I got here today was being partisan.

Mr Cousens: I am not trying to put you in that box.

Mr Sutherland: No. I mean, I am an observant person. I sat in the back there for a few minutes and I know there are political shots being taken and I think that is only natural in the environment we are in. Whether I approve of them or whether I disapprove of them coming from any party position is neither here nor there.

There is enough knowledge, technology, caring and interested parties that are not going to go out there and say, "I want a fee of \$20,000 to do this and \$50,000 to do that." We are studied to death, first and foremost. Let's get a think tank on this of people who know what the hell they are talking about, not people who are coming from a political position and not somebody who is coming from a soap box like Pollution Probe. Pollution Probe is going to hate me, but I cannot help that.

Actually, just as a small aside, I went to Pollution Probe one time and said, "I would like to work with you," because one of my friends was the founder of it. They came back to me and said: "Sorry, you don't think the same way we do. We want everything done immediately. You want to take too long. You want to talk to business and reduce things that way." That turned me off that group.

If we get a lot of very serious, knowledgeable people—the funny thing is, people in the mining industry take one of the biggest knocks in the world as polluters. But they are the first ones who are environmentalists and they are the first ones who have done environmental research and set up ways—every mine is almost as big a polluter as the city of Toronto, but they have their tailing ponds and they have their chemicals neutralized. They have everything done.

A mining engineer is a jack of all trades. He has to have every discipline at his fingertips purely and simply because he has got to find the minerals, he has to design the town, he has to design the mill, he has to do the chemistry, he has to do the water tables, he has to do the elec-

tricity. He is not an expert, but he is a master of many trades. Go to these people who, because they live with the environment, care for the environment.

The Chair: Thank you very much for your presentation. We appreciate your coming today. A couple of questions for the record. Ms Haeck, question?

Ms Haeck: Thank you, Mr Sutherland. You have raised some interesting points throughout your presentation. Because of your engineering background—

The Chair: Question?

Ms Haeck: Using changes that have occurred in how we deal with waste and obviously the projected reductions around using the 3Rs and some of the ideas you have also raised, would you comment on whether landfills really, with only the small amount that would be going to them, would be a sound alternative?

The Chair: Question, Mrs Mathyssen?

Mrs Mathyssen: I take it that you support the 3Rs. I wonder how you would respond to the comment that after all the recyclables are removed from waste, the BTU value of the material left would not be enough to support energy from waste facilities?

The Chair: Mr Sutherland, we appreciate your coming before the committee today. Our clerk will provide you with a copy of the questions that have been placed on the record. If you wish, you can respond to them in writing. If we receive the response by February 14, it will form part of the public record. If it is after that, it will be made available to committee members for their deliberations and considerations during these hearings. If you choose not to respond, that is your right as well. Thank you very much for coming today.

The standing committee on social development will reconvene at 2 pm.

The committee recessed at 1222.

AFTERNOON SITTING

The committee resumed at 1401.

CANADIAN POLYSTYRENE
RECYCLING ASSOCIATION

The Chair: The standing committee on social development is now in session. I would like to welcome the Canadian Polystyrene Recycling Association. Please come forward and begin your presentation by introducing your delegation. I believe you have 20 minutes for your presentation, and we would ask you to please leave as much time as possible for questions from members of the committee.

Mr Scott: My name is Michael Scott, and I am president of the Canadian Polystyrene Recycling Association. Our organization, which represents all facets of the Canadian polystyrene recycling industry, has just opened in Mississauga this country's first recycling facility dedicated to the recycling of all types of polystyrene, and one of North America's largest recycling plants.

At this facility, which cost our member companies almost \$6 million to put into operation last fall, we recycle polystyrene collected from manufacturing plants, cafeterias, restaurants, schools, hospitals and sports complexes across southern Ontario. We recycle this material by turning it into small pellets, which I have here with me today, which in turn are used to manufacture a wide range of durable consumer products such as video cassette holders, letter trays and this pencil holder, which was manufactured from the first pellet produced at our plant by Eldon-Rubbermaid here in the Toronto area.

CPRA demonstrates what product stewardship is all about and what various measures contained in section 4 of this bill are aimed at achieving if we are to move to a conservator society. I suppose one could argue that CPRA does not really need this bill. We are a reality. We have built a plant and established collection systems and can utilize our member companies to successfully market our product.

Getting here has not been easy. We have faced difficulties and challenges, many of which we fortunately have been able to resolve, but some of these same difficulties may be insurmountable to others unless the broad regulatory powers granted the minister by Bill 143 end up supporting rather than hindering those who may follow us.

In the few minutes available to me, I would like to tell you what we have learned from this experience and what I believe this committee and the government should pay particular attention to in evaluating and implementing the measures contemplated in section 4 of the bill.

I want to emphasize at the outset that we are working with staff in the waste reduction office and appreciate the opportunity to have continuing dialogue with them on the points I want to raise with you this afternoon. I understand the complexity of their task, having wrestled with many of the same issues as a public servant recently myself for more than 10 years. Their job is made all the more important by the powers this legislation will give them to enforce waste reduction and encourage more recycling initiatives

like ours. We are continuing our discussions with them, and I am encouraged by their interest in what we have to say.

I would like to begin with the measures being contemplated through this bill to facilitate approvals for recycling facilities. Our own experience in this area has been a sobering one. In late 1990, we were required to file an application for approval for our Mississauga facility as a waste treatment plant under Part V of the Environmental Protection Act. Because of this, our approvals process took almost eight months to complete.

At the beginning of this process, we argued that we were not building a waste treatment plant. All of the material coming to the plant is source separated, and the majority of it comes to the plant as post-industrial packaging material, such as large blocks used to package automobile parts or truckloads of used coat hangers or used peanut packaging material. In fact, we have had to bid and pay for some of this material because, thank goodness, it is now recognized as a valued commodity which we must obtain if our recycling operation is to be economically viable.

Fortunately, CPRA could draw on the commitment and resources of its member companies to cope with an eight-month approvals process. However, many other recyclers in Ontario cannot. They are small, independent operators. They have watched our experience with deep concern and have informed me and others that few new recycling initiatives like ours will take place if the same approvals process awaits them.

I know many in the ministry understand this problem. The proposed regulatory measures in the ministry's initiatives paper aimed at streamlining approvals for recycling sites are clearly moving us in the right direction.

However, we still have a problem. Those proposals, as presently written, would not change anything should CPRA and others involved in our industry want to build additional recycling capability in Ontario. CPRA's facility and collection system are not cited in the initiatives paper. The materials we are now recycling are not included in the classified material types eligible for the streamlined approvals process outlined in that document. It is a significant concern to me and many other recyclers in Ontario that a plant of our size and importance would therefore still appear to be classified as a waste treatment plant.

I am hopeful that we can resolve this issue with the ministry. It would send an important signal to other recyclers and those considering recycling investments. We all must make adjustments and changes to our thinking, and this includes government regulators.

At CPRA we receive an average of 60 to 80 calls a week from restaurant, cafeteria and plant operators wanting to become part of our collection and recycling system. They understand the importance of moving to a conservator society, but if the recycling industry of Ontario is to meet this demand effectively, regulators must recognize and encourage not only what they want to see happen in the future, but what is happening now.

In the few remaining minutes available to me, I would like to highlight two other issues. First is the issue of markets for recycled material. There has been considerable discussion on this issue before this committee in recent days. Members have asked what the government should be doing to develop more markets for recycled products. Let me share with you our own experience and what we are learning.

We are fortunate at CPRA in that the trail has been blazed by polystyrene recycling in the United States and the development of a broad range of markets for our recycled material. We have decided to mobilize the knowledge and expertise of our member companies, Dow and Novacor in particular, who will act as CPRA's sales agents. This allows us to minimize our own costs while utilizing the broad expertise and market knowledge which these companies bring to the table. In fact, it is in their interest as product stewards to ensure that our sales and marketing program grows, given their sizeable investment in CPRA.

I believe it is our job and responsibility to develop these markets, not that of the taxpayers of Ontario. Certainly, funding support for some aspects of new recycling initiatives helps. As many of you will know, the minister announced at our plant opening in October the ministry's decision to provide a capital grant of approximately \$550,000 towards the cost of our facility, and we very much appreciate that support. But the availability of affordable feedstock, efficient collection systems, and reasonable approvals and regulatory policies are the prime determinants of a healthy recycling industry. Funding artificial, short-term market opportunities for recycled material is a stopgap measure doomed to fail in the long term, and as long as dumping recyclables is cheaper and easier than recycling them, no amount of public or private funding will sustain a recycling industry in Ontario.

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Finally, this bill gives the minister broad regulatory powers to regulate and control the production of products that "pose waste management problems." I do not take issue with such measures, provided they are used wisely. Let me explain. It may surprise you to know that significant quantities of polystyrene feedstock coming to our facility are manufactured by companies outside of Ontario, and indeed outside of Canada. But it is Ontario's and Canada's industries that are paying substantial amounts of money to have this material recycled. These same companies must also pay to meet the government's reduction targets. Most of their competitors outside Ontario do not.

At CPRA we can try to level the playing field somewhat by seeking out these foreign companies, as we will, and asking them to support financially our plant in Ontario which is recycling their material. You can predict, as I can, the kind of response we may well receive. Resolving this problem is not easy, and quickly gets entangled in federal and international trade and commercial jurisdiction and agreements. But if Ontario's recycling and packaging industry is to be competitive and create more jobs while meeting its product stewardship obligations, we must solve this problem. This places a premium on how, where and when

the ministry uses the regulatory powers it will be given by this bill.

I would like to conclude at this point and leave time for some discussion. To summarize, we at CPRA believe government's role is to encourage and facilitate recycling and reduction. We believe the designation and approvals process for recycling facilities such as ours can and must be improved by ensuring that all recyclable materials, including polystyrene, are identified and classified as such. Finally, we believe the government can help to foster a healthy recycling industry through measures over which it has direct control and expertise, but pouring public funds into the development of stopgap markets for recyclable materials is not one of them.

I hope these comments are helpful, and I want to thank you for the opportunity to be here. I have included in the appendices to this submission a list of our company members and a summary of our highlights. Needless to say, we would be delighted to welcome any members of your caucus to the plant to talk in more detail about the work we are doing.

The Chair: Thank you very much for your presentation. Question, Mr Wiseman?

Mr Wiseman: I would like to thank you for your presentation. It is nice to hear an upbeat, positive presentation.

I have a couple of questions. The first is that when Waste Management of Canada Inc was here, it suggested that one of the things the province should look at doing is having greater control over what is in the products being sold in Ontario. This almost implies that perhaps content regulations should be put into place to determine the amount of recycled material that should be contained in each product that is sold. Have you had any discussions with anybody about that kind of approach, and what do you think of it?

Mr Scott: I am aware that this type of approach is strongly supported by many recyclers in the province who feel that only through mandatory recycled content is their product going to be marketable and in fact used. I think it is simplistic, however, to think that this alone is what is going to break open the recycling marketplace. I certainly think that is a policy area that the government needs to look at. There will might be things that can be done, and I would support that.

I think even more important than that is the whole front-end process of the recycling industry. How much is it costing recyclers to get their feedstock into the front door before they turn it around and send it out the back door, and how competitive is their product as a result of that? Certainly there is a lot of work to be done on the front end of the whole recycling process.

At the back end, I think mandatory recycled content is certainly an issue to look at. I think the government can look at other issues as well, such as procurement policies that it uses in purchasing recycled material and insisting on recyclability as part of contracts that are let to suppliers to the government. I think those are measures that are going to be important steps to take towards supporting the recycling industry.

Mr McClelland: I take it you are saying that you agree with the general thrust. You say that measures contained in part IV of the bill are aimed at achieving the conservator society. Then you go on, on page 3, to say the proposals would not really change anything. You agree with the thrust but in terms of practical implementation and application you do not see a great deal of help at the present time.

Mr Scott: What I am referring to there is the streamlined approvals process. That is the specific issue I am raising. In the overall context of the streamlining process, I think it is well needed and clearly in the right direction, but I do have a concern that when I pick the document up I cannot find reference to the existence of a facility that is one of the largest in North America and the first of its kind in Canada. That troubles me.

Mr McClelland: In terms of any protocol or memorandum of understanding in process, maybe you could help us. Is there anything in the works with CPRA and the Ministry of the Environment in terms of a regulatory scheme that would say that if manufacturers were members of your association they would effectively roll into your association as opposed to having specific regulation requirements on an industry-by-industry basis; in short, that if they were members of CPRA they would be in a blanket compliance provision or opportunity with regs as opposed to being out of the association, where they would have to individually comply? Is there anything in process that you are aware of with CPRA in that area?

Mr Scott: No, we have not had any discussions with the government along those lines. Membership in CPRA for our member companies, for the resident suppliers and the manufacturers of polystyrene products is a very significant undertaking. They are required to pay membership fees to CPRA based on the annual volume of polystyrene they produce and sell into the Canadian market, so the more product they put into the market in Canada the higher the fees they pay to CPRA, which is really a direct connection to the product stewardship. But that is voluntary. A company can choose to stand on the sidelines and let its competitors pay those substantial fees and take some credit for the fact that the polystyrene industry is showing leadership in recycling its product, and to a certain extent that is happening in the industry. But it seems to me that is an industry problem to resolve.

Mr McClelland: To the extent that they are paying in voluntarily, that could be at least recognized in any draft regulations that would impose an environment tax or a cost associated with enforcement of the regulations. Would it be at least a reasonable point of departure for discussion to say that membership and the costs associated with CPRA ought to be somehow accounted for in terms of compliance with environmental regulations?

Mr Scott: I do not think there is any question that our members would support that type of principle. They are certainly looking for—

Mr McClelland: That would help with the level playing field.

Mr Scott: That would certainly help level the playing field, particularly for out-of-province and out-of-country competition. There is no question about that.

The Chair: There are three minutes remaining. Mr Cousens has not signified that he has a question.

Mr Cousens: Yes, I have.

The Chair: Oh, I am sorry. I did not see you.

Mr Cousens: I thought we followed the rotation, Madam Chairman, but yes, I did signify.

The Chair: I had a request from the parliamentary assistant that perhaps the ministry could use a couple of minutes of the time to suggest how this fits with its initiatives paper.

Mr Cousens: I had a question and I certainly want to make some comments.

The Chair: Proceed. It is your time.

Mr Cousens: I am delighted with your presentation. I am glad you are here. There are several things going on with polystyrene. Just the education of everybody and your being here with an audience of many thousands of people watching this program is in itself a statement that should be going out so that all of us who are into our own blue box programs in our communities start to find ways of getting our polystyrene products to you so that you can recycle them. I would not mind having you comment on your plant. It is open. What capacity do you have going through it? What communities are helping feed you? I know a lot of it comes from industrial, but I would like to give you a moment to tell us about what you are doing, because I think this is a great success story.

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Mr Scott: The plant has a total capacity of about 15,000 metric tonnes. Its capacity, as we speak today, is about 5,000 to 6,000 metric tonnes, and over the past couple of months we have moved 200 or 300 tonnes of material through the plant. We have exceeded our initial expectations of what that volume would be in the first two months of operation. We are collecting food service containers, which is really where the public perception issue lies, from over 100 locations in the greater Toronto and southern Ontario area. These include restaurants, hospitals, schools, community colleges and sports complexes. That is growing rapidly. In fact, we are having difficulty right now keeping up with the calls and demands coming into the office, which I think says a lot about the willingness of the consumer to do this.

We are collecting polystyrene out of the blue box in Oakville, Trenton and Belleville areas. We are talking to other municipalities about the possibility of doing the same, but they are under very severe pressures, as we all know, right now in terms of the costs of managing their blue box program. We were informed just last week that we will not be able to access the blue boxes in the Metropolitan Toronto area, at least over the next year, because of cutbacks in Metro Toronto's budget, which is of very serious concern to us. We were looking at possibly setting up depot arrangements in Metro Toronto, with the cooperation of Metro Toronto, which would provide consumers with an

opportunity to bring their material to those locations. That now appears to not be feasible given their cutbacks. I am deeply concerned about it and will be taking that up with them.

The consumer is responding. We are getting people coming to the plant daily. We have a dropoff depot at the facility. It is filling up now on an average of once a week with material people are bringing into us, and I am absolutely delighted by the response we have received from the consumers who recognize now that polystyrene is being recycled. We have a long way to go and a lot of work to do to get material out of the household. Just one last point: There is only about 0.05 pounds a week in the household. Very little goes directly into the house. Most polystyrene is used in foodservice application in shopping malls and food court malls and, as I have mentioned earlier, the vast majority of it is in packaging.

The Chair: Thank you very much for your presentation. I have two questions for the record and a point of information.

Mr Wiseman: I would like the deputant to give us the address and let everybody who is watching know where they can bring their polystyrene.

Mr Scott: Our address is 7595 Tranmere Drive in Mississauga. It is just north of the Pearson airport, and if people want to call us, it is 612-8290. We can give them more specific directions on how to get there.

The Chair: Thank you very much. Question for the record. No preamble, Mrs Mathysen.

Mrs Mathysen: Oh, not me, Madam Chair, never.

I understand that the waste reduction office would like to provide for a permit by rule for polystyrene recycling facilities but that municipalities and private sector companies would have to collect the polystyrene. What I wondered was how you would recommend having a permit by rule apply to plants like yours.

The Chair: Mr Martin, question.

Mr Martin: Would the operation that you do, where you do it, be profitable in a location in northern Ontario?

The Chair: Thank you very much, Mr Martin. The questions that have been placed on the record will be made available to you by the clerk. We would appreciate it if you could reply in writing, and if you reply before February 14, it will become part of the public record.

I think it is important to note for those people who are watching that the subcommittee of this committee, in determining the procedures, agreed that these hearings are important so that the members of the public who are watching can get a better understanding of what the bill is about and listen intently to some of the very fine presentations we have heard. I do allow some leeway to allow presenters to finish their thoughts and ideas and I am much tougher with committee members to stay to time and on schedule.

We appreciate your coming before us today and sharing with us and the people watching your address and your telephone number and your willingness to help the public better understand the matters before this committee. Thank you very much.

OGDEN MARTIN SYSTEMS, LTD

The Chair: The next presentation is by Ogden Martin Systems, Ltd. Welcome. You have 20 minutes for your presentation. Would you please begin your presentation now and introduce yourself to the committee.

Mr Olivier: My name is Harry Olivier. I am a resident of the greater Toronto area and I have lived and worked here for more 38 years. Therefore, I am making this presentation not only as vice-president of Ogden Martin Systems, Ltd, but also as a concerned citizen and taxpayer who generates wastes and is concerned about management of our wastes in an environmentally safe and economically responsible and sustainable manner.

Thank you for providing me with this opportunity to address the committee in connection with Bill 143. Ogden Martin is an Ontario corporation. It is a service company with a specific mandate of implementing and operating environmentally sound, economically viable facilities for the management of municipal solid waste. We are a wholly owned subsidiary of Ogden Projects, Inc, which in turn is owned by Ogden Corp of New York, a public company which is widely held and traded on the New York Stock Exchange. Ogden Corp is a leading provider of support services to airports and airlines, sports and entertainment facilities, energy and environmental agencies, industrial plants and government agencies. It employs in excess of 2,000 persons in Canada alone. Examples of our activities are the fuelling of aircraft at all major Canadian airports, including Pearson International, and our service contract with the Ottawa Senators on a long-term basis.

Our solid waste management services to communities are based on the application of proven systems and technologies. These services include all of the components of integrated waste management, that is, recycling, composting, energy recovery and landfill. Thus our mandate is similar to the framework that the province should establish to provide communities with an alternative they need to solve solid waste problems.

Over the past few weeks you have had heard, from time to time, some presentations which attempted to destroy the credibility of incineration. I would now like to provide you with some factual information on energy-from-waste facilities and their place as a component in an integrated waste management system.

Integrated waste management includes no less than five major components: the reduction of household hazardous waste by separate collection; further reuse of material; reduction of the waste stream; material recycling, including composting of vegetation waste, and, after these efforts, disposal of the residual waste stream, which could be done in a safe manner by thermal recycling or energy from waste or incineration, whatever one wants to call that. Some landfill is always required for safe disposal of rejects from recycling and composting processes, for disposal of non-recyclable and non-compostable materials and for the disposal of that portion of the ash that cannot find a market as a construction material.

Other parts of the world have considerably more experience in integrated waste management techniques than we do. Japan, with some 22 years of experience, has been able

to create a diversion of 35%, while 50% of the Japanese waste stream is burned. Japan has a total of 1,930 incinerators. It is interesting to note that in this densely populated country the population has an average life expectancy that is among the highest in the world.

Europe attempted recycling somewhat earlier than ourselves and is now attempting to reduce the overall percentage of waste going to landfill, which currently stands at 40%, as you see here, by increasing both the recycling components and the waste-to-energy component. Information received as recently as yesterday morning from Germany indicates the following increases in incineration capacity in these European countries that have considerable experience: Switzerland is adding no less than 16 new facilities or addition to facilities; England, which has been slow on incineration and has been relying primarily on landfill, is adding six major facilities; Germany has 22 facilities on the books; Scandinavia, five, and the Netherlands, nine.

As you might be aware, the Netherlands' official plan calls for the closing down of some of the smaller non-energy-recovery plants and the construction of a considerable number of new regional facilities to comply with their official environmental plan, which calls for an increase in waste combustion from a current three million tons per year to a total of seven million tons a year by the year 2000, or more than double the present quantity put through incineration facilities. This is a government that has more than 25 years of experience with incineration.

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For France, we have only limited figures. We know that Ogden Martin activity involves six new facilities or additions to facilities. We do not have figures on the activities of our competitors in France.

How does one of these modern facilities work? This cross-section shows truck delivery inside an enclosed area called a tipping area, where waste is dumped into holding pits. No manual processing of the waste is required. All waste is handled by crane grab, which lifts anywhere from three to seven tons at a time and deposits this material into hoppers where it is taken by gravity to the charging table. Here a computer-controlled pneumatic ram feeds the garbage into the furnace based on computer signals governed by temperature demand in the furnace. Over- and under-fire air also assures the most effective combustion of these products in the waste stream.

Temperature and residence time are significant. These are maintained in a combustion space to assure the complete destruction of dioxins and furans. The Department of the Environment at present specifies a minimum temperature of 1,000 degrees Celsius to be held for one second. Our combustion chambers are designed for 1,000 degrees Celsius held for no less than two seconds. The ash from the bottom of the grade is called bottom ash, which is discharged into a quench tank for cooling and then transported to the ash building, where magnetic separators remove the ferrous metal from the ash.

The gases travel through the boiler and economizer, where heat is absorbed, which generates steam. This steam in turn is led to a turbogenerator to generate electric power for sale to the provincial utility. The cooled gases then pass

through a scrubber, where lime and other chemicals are injected to accomplish the necessary neutralization of acid gases and to effect mercury reduction. The resultant salts formed from the reaction of lime and other chemicals and the gaseous components then collect in the scrubber hoppers.

The remaining gas stream is then passed through a baghouse—the structure at the very end in the picture—which consists literally of hundreds of vacuum-type dust bags five to six inches in diameter and 30 to 40 feet high. Dust is collected on one side of these bags and air passes through the other side and is exhausted through the chimney, an operation very similar to the functioning of a vacuum cleaner.

The combined fly ash can be handled in one of two ways: Either it is mixed with the bottom ash, in which case a non-hazardous product evolves which can be safely disposed of in landfill. Alternatively, new technologies allow for the conditioning and treatment of the fly ash with reactive agents, which bind to heavy metals to drastically reduce their leachability when contained in the fly ash. The resultant treated fly ash meets regulation 309 and is safe for disposal in normal landfill.

The typical control room is no different from, or not unlike, the control room in any power plant for electricity generation. I will show slides of six out of 21 typical Ogden Martin plants in operation at the moment in the United States. These are: Babylon on Long Island, New York, a 750-ton-a-day plant; Kent county in Grand Rapids, Michigan; Hillsborough county, Florida; Bristol, Connecticut; Stanislaus county, California; Fairfax county, Virginia.

Fairfax is a 3,000-ton-per-day facility. Three of those would handle the entire waste problem of residual waste in the greater Toronto area. The Florida plant was visited about a year ago by Mr Alan Tonks, who was very impressed. Walking outside the plant he could not tell by smell, by noise or by smoke whether the plant was in operation. Going through the plant he found that we were running at full capacity.

Now some facts on emissions from our facilities. These blue columns represent the amount of dioxins in terms of toxic equivalents measured in the atmosphere in four different locations around our Bristol, Connecticut plant. This was prior to the plant ever starting operation. The fifth column shows the impact due to operation of the energy-from-waste facility, a quantity so low that its impact on the atmospheric background was not detectable.

Mr Cousins: What were the other ones you had?

Mr Olivier: The four on the left are measurements in the atmosphere taken before the plant started operation. These are dioxin toxic equivalents measured in the general atmosphere, and this is partly a rural area. It shows that there is dioxin in the atmosphere as it is. The impact of the operation of our plant was not detectable.

Concerning ash, an independent report was prepared by the US Environmental Protection Agency which shows heavy metal in the leachate from raw municipal solid waste. Leachate of the same metals in an ash monofill range notably from non-detectable to very small levels, as compared to the leachate from raw garbage. For comparison,

we show in the right column the limits which are acceptable in primary drinking water standards. As you see, the heavy metal levels in the leachate from ash are near the levels accepted in primary drinking water standards, whereas the levels of metal in the leachate from raw garbage are far worse. Similarly, the organic constituents in leachate, many of which are carcinogenic, show measurable quantities of these constituents in the leachate from raw landfill, while the quantities in the ash monofills were on the whole non-detectable.

An interesting comparison of toxic gas emissions from landfills as compared to energy-from-waste plants shows that even in the most optimistic case, that is, the most modern landfill equipped with gas collection systems, the quantity of landfill toxic gases, which are not regulated at the moment in Ontario, is almost six times as great as it would be from an energy-from-waste facility, while the greenhouse gases are 14.5 times as great as they would be from an energy-from-waste facility.

Dr Tom Barton, professor of environmental studies at the Royal Military College in Kingston, came to a similar result on greenhouse gas emissions and has concluded that by burning the residual waste rather than landfilling, greenhouse gas generation can be reduced by as much as 94%.

Concerning relative health risks, the risk of lifetime exposure 24 hours a day for a lifetime of 70 years from all pathways of exposure to a modern energy-from-waste plant—essentially this means chasing the plume, getting the worst conditions that you could imagine and being exposed to that for a lifetime—is no greater than drinking one litre of tap water every day. You see that other common activities carry a much greater degree of risk.

Dr Bruce Ames, chairman of the department of biochemistry—referred to by Dr Phil Jones of the University of Toronto in many cases—has done research of extremely small measurements of toxins from naturally grown, organically grown vegetables such as mushrooms, and he found toxic materials there. He has stated that the risk to human health from one of these modern energy-from-waste facilities is “completely trivial possible hazard to the public, equivalent in human health risk to drinking one beer every eight years.”

Looking at the greater Toronto area, projections indicate a waste generation in the range of 5.25 million tons in 1996. If 50% diversion is accomplished, I would expect it to be in that range, with by far the greatest reduction occurring in the construction-demolition waste sector and with equal quantities diverted from the residential and from the combined commercial-industrial sector. This means that from an original 5.25 million tons a year, 2.7 million tons would be diverted and 2.5 million tons would remain. This is the residual waste which, if not treated, would have to go to landfill.

These are the products that could result from such a greater Toronto area effort: 1.6 terawatt hours, that is 1.6 million megawatt-hours, worth \$80 million of electricity can be generated by removing the energy from the residual waste only. The other products are estimates of the quantities of recyclables that can be derived up front from the 3R

portion of the waste stream. The total value fluctuates severely, but I would estimate it in the range of \$40 million. In total there is a revenue as a result of these two efforts of \$120 million per year, which would escalate.

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Members of the committee, it is my hope that with these facts, devoid of any misrepresentation, you might be in a better position to decide on changes to the environmental assessment process as it concerns dealing with the massive problems in the greater Toronto area. On behalf of my company, I would ask only two things:

1. Please insist on an environmental assessment which will examine all possible options, including energy from waste. No technology should be rejected by hearsay or on emotional or unfounded statements.

2. Please come and visit one of our facilities, so that you can see for yourselves how these modern facilities function, and how they contribute to a safe environment.

Comments on proposed Bill 143 and our specific recommendations to amendments to subsections 14(1) and 14(2) are contained in our written submission for your consideration.

I have made an honest, factual presentation and hope it will assist the committee in its deliberations. I thank the committee members for their attention, and would be happy to answer any questions they might have.

The Vice-Chair: Thank you very much for your presentation. Caucus members have a minute apiece. Mr McClelland, you are first.

Mr McClelland: A little over an hour ago I heard the Premier speaking on a live interview on the radio and in fairness I want to put it in context. He was talking about the economic realities and social impact in terms of economic realities. But here is what he said, and I think it is a matter of principle. He said that he was going to make his decisions based on fact, and they were going to be based on reality.

I understand, sir, what you are saying is that all you want is an opportunity to put the facts forward and to put reality forward, and to allow it to be assessed. Do you understand why it is that a Premier would say to a radio audience, “I want to make my economic policies based on fact and to base them on reality,” and an hour-and-a-half later, you would have to come in to a committee and try to implore the government to make environmental decisions based on consideration of fact and consideration of reality that it is not even prepared to consider and put on the table for discussion?

The Vice-Chair: Sir, you will have to respond in writing, because Mr McClelland took up all his time.

Mr Cousens: I just want to say to Ogden Martin Systems, Ltd, you have made a presentation I have personally appreciated, and I think that you have done us a service.

You are coming in with technology that responds to so many of the questions we have about emissions from energy from waste. I think if there is anything that worries everyone it is those stacks, what are they spewing out there? If there is anything missing from your report, and I have not read it all, if there is anything else you can add to the

report about those emissions, because those are startling pieces of data displayed, give it to us. If you can pile up some more, if you throw enough against the wall, some of it is going to stick after a while. I am just hoping to get something to get the New Democrats to open their eyes. Yours was a positive presentation and it could help.

The Vice-Chair: Again, Mr Cousens took up his allotted time, so you will have to put that on the record, sir.

Mr Cousens: Give us some more time.

Mr Olivier: Will the questions be recorded by the clerk?

The Vice-Chair: Yes, and they will be presented to you in writing.

Mr Wiseman: On page 6 of your brief you say that "the scientific community, in numerous published papers, has demonstrated...the safety of energy from waste," and you go on to say, "Don't legislate away the citizens' rights to examine options, including energy from waste, and to determine their own program."

However, we have heard from Colleen Cooney, who is from Orillia and has indicated to us, and also I have an article here that has indicated to us, that your company has sent "intimidating letters to each of the city's doctors, threatened lawsuits unless certain parts of the report were retracted or endorsements of the report were withdrawn." This prompted the Ontario Medical Association to pass a resolution in support of the Orillia physicians stating that the OMA, to quote its report, "strongly defends the right of physicians to present in public information on any subject that relates to public health."

I would submit to you that this indicates you are afraid of the debate offered by the physicians, and not willing to enter into open debate on these issues of incineration.

Mr Olivier: I would be happy to respond to that.

The Vice-Chair: Sir, unfortunately the time has been taken, but you can respond in writing by February 14. If you do it by February 14, it will become part of the public record. If not, it will be taken upon by the committee for deliberations.

Mr Olivier: It is unfortunate, because the information is erroneous, and since you are televising this program, the public does not have the benefit of the response.

The Vice-Chair: Unfortunately the time has been taken, but you can respond in writing by February 14. If you do respond by February 14, it will become part of the public record; if not, it will be taken by the committee for deliberations.

Mr Olivier: It is unfortunate, because the information is erroneous. As you are televising this program, the public does not have the benefit of a response.

The Vice-Chair: Unfortunately time constraints forbid us extending the time, but as I said, you can put it in writing. We would appreciate as a committee if we could get your slides in hard copy, as well as the comments to accompany them. Maybe you could elaborate for the benefit of the committee when we are going through clause-by-clause.

Ms Haeck: I had my hand up.

The Vice-Chair: Do you have a question to put on the record?

Ms Haeck: I do. I thank you as well, Mr Olivier. I understand you have a facility in Lake county, Florida, and I understand the residents there are proposing closure of that facility because they believe it is far too costly to run. Could you provide this committee with financial comparisons pertaining to that facility and the proposed facilities here in Ontario?

Mr Olivier: There is no consideration of closing it. I would be happy to provide that.

The Vice-Chair: Mrs Mathysen, do you have a question for the record?

Mrs Mathysen: Yes. I will be brief. In my riding of Middlesex, the town of Westminster was successful in its efforts to stop a local energy-from-waste plant from landfilling toxic fly ash. In your presentation you said the fly ash was safe once mixed with bottom ash and it could be landfilled. I wonder if you could clarify this contradiction.

The Vice-Chair: Thank you very much.

PICKERING AJAX CITIZENS TOGETHER FOR THE ENVIRONMENT

The Vice-Chair: The next presenter is PACT, Pickering Ajax Citizens Together for the Environment. Please identify yourselves. As you have seen, we are constrained by time, so if you are open for questions, please leave time at the end for questions.

Mr Thomas: My name is Lloyd Thomas. I am chairman of PACT, Pickering Ajax Citizens Together for the Environment. With me today is the chairman of our legal committee, Steve Parish. I would like to give you a brief idea of who we are and then I will turn it over to Steve to present our brief.

PACT was formed in the 1980s. There were several different groups within the Pickering-Ajax area fighting different environmental issues. When Metropolitan Toronto tried to go to Brock South and open another Metro dump in Pickering, we consolidated our groups together to form a strong voice against it, and we managed to shut that down.

PACT was formed with several objectives in mind. One objective was to secure a full and comprehensive hearing for all landfills under the Environmental Assessment Act. The second objective was to prevent any possible extension to Brock West. We knew how bad Brock West was and we wanted to ensure it was not extended beyond its life. The third objective was to become a force that would present at all environmental assessment boards any environmental concerns within the Pickering-Ajax area. The fourth objective was to push Metro and the region of Durham to get going on a waste reduction 3R policy. The fifth objective was to get Durham looking at handling its own waste management in a responsible way within its region, not exporting and not importing garbage. The sixth objective was to raise funds to obtain those actual objectives.

That is who we are, and we became a strong environmental force within the Durham area. At this point I will turn it over to Steve to present our brief.

1450

Mr Parish: I also might say in terms of introduction, for those of you who were here yesterday, that we are the group that caused Gary Herrema to become bald and John Aker to become grey-haired. We are not terribly ashamed of that.

Basically, Bill 143 is divided into four parts. I want to deal with the first part in the way the bill is set up. Our objection to part I of this bill with respect to the establishment of the Interim Waste Authority is very fundamental. We think it is a mistake to set up the IWA. We think there is a basic conflict of interest, or at least the appearance of impropriety, in the provincial government being both the proponent, or coproponent, and the approval agency. The Interim Waste Authority will be a crown agency, it will be under government control, and although it is a separate entity—and that will be argued—it is really the provincial government acting through that crown agency.

PACT believes the responsibility for solid waste disposal should remain primarily with the regional municipalities or the senior-tier governments. The regional municipalities must be required to fully and properly discharge their responsibilities under the provisions of the Environmental Assessment Act with public hearings and full, open public participation at every stage.

PACT feels the proper role of the provincial government is to see that its environmental acts are fully complied with and enforced, to act as a fair and impartial regulator and to assist the regional municipalities with the financial and other resources they need to fully discharge their responsibilities.

PACT is very concerned with respect to the lack of public input and the lack of responsibility to the public that is inherent in the setup of the Interim Waste Authority. With the regional municipalities governing waste disposal, if we object, we know who our elected representatives are, we know where to go to voice our disapproval. The IWA will be a totally unrepresentative body which is not representative.

I would point out to this committee that all these concerns I raise here on behalf of PACT, the citizens of Pickering and Ajax, were raised as real concerns by the chairman of the regional municipality of Durham. We agree with those concerns he raised. He raised the points of lack of responsibility and accountability, taking away of local responsibility; he referred to the waste of some \$4 million with respect to the waste master plan done in Durham. We agree with all that.

But you will note in the comments of the regional chairman that the only difference in his position and ours is that he would have the IWA approve the site and then have the regional municipality take over its operation. They want the IWA and the province to take the political heat of a site selection—and that is where the heat is—and they want the significant revenues from running a site. I think Chairman Herrema referred to a dog being sicked on a cow. Believe me, you will become the cow, and Chairman Herrema and his friends at regional council will be willing dogs, baiting you at any site you select. I say that if they want the local responsibility for it, give it to them.

That is where it belongs. That is where it has traditionally been.

I also have concerns in part I with respect to the inspection powers given to inspectors under the bill. This power is unprecedented with respect to site selection processes. Usually municipalities must either get the agreement to access to sites from the property owners or they must expropriate that right.

Here in this bill it is proposed that the inspections be done on notice. It is important to note that the notice can be by ordinary mail. I think Canada Post has a track record which would lead us to believe that sometimes people would not get that notice. It also allows them to proceed to get warrants to go on to the property without notice of the process to the people. There is no process by which the property owner can have representation. I would remind this committee that we are not dealing with criminals here, we are dealing with property owners and citizens.

With respect to part II of the bill, long-term waste disposal sites, we have very serious concerns with section 12 and the use of the word "primary." To us, that is an open door for waste other than that generated in the region of Durham being disposed of in the region of Durham, and we have good reason for that fear. Presently Metro Toronto is disposing of a significant portion of its waste at Brock West in Pickering. That word should be deleted. We want Durham-only waste disposed of in Durham.

Section 13 has some real problems as well.

Mr Cousens: I wish you lived in York, because then you would see what it is like.

The Vice-Chair: Mr Cousens, you will have a minute deducted from your time.

Mr Cousens: You can deduct 10 minutes, as far as I am concerned.

Mr Parish: As long as it is added to mine, Mr Chairman, I really do not mind.

The intent of section 13 is good. It wants to build the 3Rs into waste management, but we think if that is really what is desired, the section could be much more clearly drafted to reflect that, as we have expressed in the brief. Basically the thrust is to have the smallest possible site, and I think the section should be much more clearer in expressing that.

The other problem we have with section 13 is, how are these estimates going to be generated by the minister? This is going to be a dangerous area. There must be a uniform database. There must be input from private industry, from public interest groups, from government etc in coming up with these estimates so they are reasonable and they are perceived to be reasonable and have the widest possible acceptance.

The real heart of part II of the bill is section 14, and that deals with the issue of scoping. Scoping is something PACT has always opposed, and in saying that, I would say that PACT has very serious concerns and is opposed to the transportation and exportation of garbage. PACT has very serious concerns with respect to incineration of garbage. We feel that is not the issue.

The issue is, who decides? Who decides what should be eliminated as a sound thing, the government of the day or the Environmental Assessment Board, acting in a full Environmental Assessment Act hearing? We think the latter. The complete process of the Environmental Assessment Act must be permitted to unfold with full, open public participation from day one and with full public hearings.

The proof of alternatives, all alternatives, and the reference to alternatives is the key difference between the Environmental Assessment Act as it presently exists and the previous Environmental Protection Act. The scoping provisions of Bill 143 amount to a statutory exemption from the Environmental Assessment Act. More attention should be given to making the Environmental Assessment Act better, not to avoiding its safeguards.

The net effect of section 14 is to relieve the province's waste authority from a large portion of the analysis and investigation required of other municipalities across the province in carrying out its environmental assessments in the GTA. In effect, Bill 143 sets up a double standard for waste management proponents under the Environmental Assessment Act which could be seen to significantly undermine the credibility of the Environmental Assessment Act and the planning principles underlying the act. Bill 143 is drafted in such a way as to predetermine a desired political result, that is, three large megalandfills, each serving the needs of defined waste jurisdiction within the GTA.

Finally, subsection 14(3) appears to give the IWA a deemed compliance with subsection 5(3) of the Environmental Assessment Act, provided it meets the requirements of the scoped environmental assessment established by section 14. This deemed compliance appears to be in place regardless of the adequacy of the site selection process. This open-ended wording appears to relieve the IWA from key provisions of the Environmental Assessment Act.

Section 15 also gives us concerns. By the publishing of these policy statements, the minister can again interfere and have undue political influence over the process.

In summary, with respect to part II we have very serious concerns with respect to sections 14 and 15 and could not support the passage of part II of the bill as presently drafted. Section 15, participant funding, is a very positive step, but it has been somewhat neutralized by its vagueness. It refers to participant funding but does not give any details. Who is entitled to it? When? How? Subsection 16(2), although it might have the intent of trying to do the opposite, really will be used by the payors of intervenor funding to limit, to reduce intervenor funding. Subsection 16(2) is not necessary. The intervenor funding panel has the discretion to consider the previous participant funding in making its award. We think subsection 16(2) will have the reverse effect of what we think is intended.

Part III, interim or contingency landfill capacity: In the brief I quote two statements, both made on November 21, of 1990 and 1991 respectively, one by the minister, saying she hopes there is no need for interim contingency sites, and the other by the director of works of Metropolitan Toronto, referring to the Brock West matter and saying that Brock West may well last now until late 1996.

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In light of that, we have serious concerns with respect to an interim waste system being set up and Durham being a transfer station. There have been price tags banded about. I do not believe the \$50 million figure, I do not believe the \$10 million figure. It is somewhere in the middle, but it is a very expensive matter and the money would be much better spent going towards a long-term solution. We would appear to have the time if we get at this now, and therefore we do not support the transfer station solution.

In any event, the ad hoc nature of part III and the very great powers given under that part of the bill without any guarantee of public hearings, without that safeguard, our organization could never support.

We urge the government to allow or compel the regional municipalities to get on with the full environmental assessment processes to identify a long-term site, now that there appears to be a window of opportunity to do that. This opportunity should not be lost or frittered away.

With respect to part IV of the bill, some sections of part IV with respect to the director I understand have been changed. We still have concerns with respect to part IV, as we have outlined in our brief, and there have been other people's submissions here with respect to part IV. I will not deal with this section in detail other than to say in a very general way that PACT welcomes and fully supports the proposed amendments to the Environmental Protection Act that would expand the province's powers to impose 3R requirements on municipalities and waste generators.

We believe that the only solution, ultimately, to the waste management problem is to drastically reduce the amount of waste we are generating. We think this is a positive step, but we are also very much aware that the amendments proposed will do absolutely nothing to improve the waste management situation in the province unless these initiatives are acted upon and the government directs the necessary financial and other resources to fully implement these provisions. PACT seriously hopes this will be done and that these amendments will turn out to be the precursors of real and aggressive government action.

In conclusion, I would state that PACT cannot support the passage of Bill 143 without significant amendments, as we have indicated in this brief.

Finally, I would just like to make specific mention of the situation in the regional municipality of Durham. PACT strongly believes in and is unequivocally committed to seeing a new long-term landfill site approved and developed within the regional municipality of Durham solely and exclusively for the disposal of waste generated in the region of Durham.

The approvals process must be that authorized under the Environmental Assessment Act, with the fullest possible public participation and input from the initial stages through to the opening of the final selected site. PACT would remind the present government that much more can be accomplished by pursuing and facilitating this objective than by seeking methods of abridging or avoiding the existing approval process. The previous government devoted all of its time and attention to avoiding the process of the Environmental Assessment Act and to forcing the proposed

P1 site in Whitevale on the residents of Pickering and Ajax without a proper approval process. That whole thing wasted five years of time. Five years.

If instead the previous government had devoted its time and resources to seeing that a Durham-only site was selected by a fair and open process under the Environmental Assessment Act with full public participation at every stage, the region of Durham would today be well advanced in the process of locating and opening a new long-term landfill site to replace the Brock West site. PACT urges the present government not to repeat the mistakes of the past. Attempts to expedite at the cost of public input will only cause delay and waste.

PACT is convinced the people of the regional municipality of Durham will accept a new long-term waste disposal facility in their municipality but only if this facility is to receive waste generated only in the region of Durham and only if the site is approved by a full, open, public process under the full provisions of the Environmental Assessment Act.

As I said at the opening of this brief, Durham has asked you to let it do that. I say, do it. Let their \$4 million for the waste master plan not be wasted. I would really ask that Durham be exempted from the provisions of Bill 143 so that Durham can proceed under the EAA to approve a site.

The Vice-Chair: Thank you very much. There is a minute for each caucus again.

Mr Cousens: I would use one word, and that is "irresponsible," to describe the statement you are making that Durham does not want to take anyone else's but its own garbage. That is the NIMBY syndrome and it is the problem of this bill. What you are doing is taking an ingredient of the whole bill and bringing it so that Durham does not want to even be part of the greater Toronto area. I worry about that, Mr Parish, because you present yourself so well as a genuine, sincere environmental group, and yet you come along and say, "Durham doesn't want to do its share." Just think of the grief that the people in York region are going through with Keele Valley.

Mr Parish: We have done our share and you have done your share as well. We have had over 20 years of Metro's garbage.

Mr Cousens: We are doing more than our share. We are fed up with it. And these guys whom you elected—you have Jim Wiseman over there. Let's just hope he comes through with some amendments to try to correct the problem. But I will tell you the people in my area are mad.

Mr Parish: The people in our area are mad.

Mr Cousens: I do not know what you do about it. How do you get through to those guys?

Mr Parish: You have a full Environmental Assessment Act process.

The Vice-Chair: Thank you very much, Mr Cousens. You have used up your time.

Mr Cousens: We sure do, and I agree with that process. We should speed it up and make it happen.

The Vice-Chair: Thank you, Mr Cousens.

Mr Cousens: Okay, take a minute off.

The Vice-Chair: Mrs Mathysen. One minute, please.

Mrs Mathysen: Thank you very much for your presentation. I noticed in your presentation that you voiced some concerns about having input into the process with the IWA. I wondered, in light of that, if you had received this draft copy of the Interim Waste Authority's search criteria and if you had attended one of the eight open houses and three workshops. Did you feel that you had some input? Did that help in the consultation process?

Mr Parish: This was not a new process for us. I can only speak from my personal experience. I attended the one that was held in Ajax. There is the look of caring what you say, but if you really care what we say, give us a full environmental assessment.

Mr McClelland: Gentlemen, I do not know if you are concerned or not that Whitevale or whatever other sites may be considered under IWA without an environmental assessment process. I am sure that is a concern. I hope you are not relying just on assurances made that it will not be Whitevale, that it will not be something else.

This is a response to freedom of information material sought from the current government in terms of the process. This is what we got back: pages blanked out. I do not know if that tells you something about the way the current government is working. Eleven blank pages. "Options and Recommended Strategy": seven blank pages.

Mr Parish: If I can cut you short, sir—

Mr McClelland: Hang on. "Denied Options": tables and four pages.

Mr Parish: We did not trust the last government and we do not trust this government. We do not trust governments.

Mr McClelland: But my problem is this, and I want you to be aware of it: You do not know what is in the hopper right now. You do not know what is being considered.

Mr Parish: That is right.

Mr McClelland: This thing is being shut out. The government is telling us, "We're not prepared to even give you an idea of what it is you're fighting." There is evidence of it. That is what you get when you have—

Mr Parish: That is why we want a full environmental assessment.

Mr McClelland: That is the response of the current government to what is there.

The Vice-Chair: Thank you very much, Mr McClelland. You have used up your time.

Mr McClelland: I think everybody in Ontario and in Durham should be well aware—

The Vice-Chair: Order, please.

Mr Cousens: I would be prepared to extend the time because I think he has a real point, Mr Chairman. He is just pointing out the problem we have with this government.

The Vice-Chair: Order, please.

Mr Cousens: And the environmental assessment—

The Vice-Chair: The time has expired. If members have questions to put on the record, please proceed. Ms Haeck, you were first.

Ms Haeck: Actually, Mr Chair, I appreciate your comments, but the previous two speakers did ramble on rather, and in fact Mr Cousens, while he was penalized on at least one occasion—in fact, our caucus has not been in a position to ask a question because of his rambling. I would appreciate it if you would take it under serious consideration to at least allow me to ask my question, not just for the written record, but to these gentlemen.

The Vice-Chair: I am sorry, we cannot make exceptions. If we make one exception, we will be making a million of them and we are constrained for time as is.

Ms Haeck: I would prefer that you take this under serious consideration, sir.

The Vice-Chair: I will take it under consideration. We will let the regular Chair make her decision, but if you have a question, put it on the record, please. If not, we will let Mr Wiseman pose his.

Ms Haeck: I do have a question, and it relates to page 1 of their presentation. It was a very articulate presentation. I know that what they are saying has been said in other areas, but environmental assessment applies to all provincial ministries. The final adjudication lies with the Environmental Assessment Board which, as you have indicated, is an independent body.

All provincial undertakings are subject to the environmental assessment, and on page 1 you infer that there may be some impropriety related to the province regulating itself. I guess the concern really is, who would you wish to regulate it? Would you not want it to be an Environmental Assessment Board?

1510

Mr Wiseman: My question has to do with your concern for the Environmental Assessment Act. As you know, I share your concern. The question I have is, how would PACT, given that Halton took 10 years to find a dump under the Environmental Assessment Act and something like \$140 million, envision the process being accelerated in enough time to find a landfill site given the constraint that Brock West is going to be closing and we are not sure about its capacity or when it will close? How would PACT ensure that a hearing under the Environmental Assessment Act would in fact be accelerated to the point where a site could be found and, taking into consideration all the issues under the Environmental Assessment Act, guarantee a site could be found?

Mrs Mathysen: You mentioned a double standard in part 2, point 18 of your presentation. Can I ask what PACT's reaction was to the minister's ban on future municipal solid waste incinerators in April 1991, and if you agree with that ban, do you not see the elimination of incineration as an option as the logical follow-up from that April announcement?

The Vice-Chair: Gentlemen, you will receive these questions in writing from the clerk and we would appreciate an answer in writing by February 14 in order to make it

a matter of record. Otherwise, if it comes after that, the committee will take it into consideration during deliberations on the clause-by-clause. You also have the option of not responding. That is up to you. Thank you very much.

Mr Parish: We will respond in writing to all written questions and do so by the 14th.

The Vice-Chair: Thank you.

GROCERY PRODUCTS MANUFACTURERS OF CANADA

UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION

The Chair: I would ask that the next group, Grocery Products Manufacturers of Canada, please come forward. Before beginning, would you please identify yourselves? As you have seen, our time is constrained, so if you want to, leave some time at the end for questions by committee members.

May I remind committee members that we have been civil to date, so I would appreciate that we keep in that vein. May I remind the government as well that it is one of the pleasures of government that it has to bear the ire of the opposition from time to time. Would you please commence?

Mr Lewarne: Thank you very much. My name is John Lewarne, vice-president of marketing for the H.J. Heinz Company here in Canada. I am the chair of the GPMC working committee on the environment. Joining me today is Tim Catherwood, the assistant to the director of the United Food and Commercial Workers International Union. Sandra Banks, vice-president of government relations for the GPMC, is with us as well. I will lead off this afternoon's presentation, turn it over to Tim, and then I will finish off with the summary.

First of all, thank you for the opportunity to provide comments to the standing committee on social development as you consider Bill 143. Let us start by describing the sector of the Ontario economy that our industry represents. GPMC represents 155 member companies involved in the manufacturing and marketing of foods, beverages and consumer products sold through both retail and food service outlets.

In Ontario, food and beverage processing ranks only second after transportation equipment manufacturing in terms of value added and value of shipments. The food and beverage processing sector employs almost 90,000 people in Ontario and purchases about 60% of all agricultural products grown in the province. The industry is also a major customer for packaging manufacturers and the service sector, particularly creative advertising. With that introduction, I would like to turn it over to Tim Catherwood of the UFCW.

Mr Catherwood: The United Food and Commercial Workers International Union, UFCW Canada, is Canada's largest private sector union. We represent some 175,000 members in this country. Our members are employed in more than 20 sectors of the economy, including retail, service, meat packing, food processing, brewing and beverage production and distribution, as well as several others. In this province we represent 70,000 men and women.

GPMC and UFCW are committed to working with our partners in government, labour, business, environmental groups and consumers to achieve effective solid waste solutions. GPMC was an original signatory to the national packaging protocol, which calls for a 20% diversion of packaging waste from landfill by the end of 1992. We are confident that our industry is well on its way towards meeting that target. The industry also supports financially the expansion of the blue box program in Ontario through OMMRI II, as well as similar programs in Quebec and Nova Scotia.

While these original contributions have remained voluntary, we are seeking support from the Ontario government to put in place a mechanism to ensure that all packaged goods manufacturers, including importers, contribute to this program and therefore broaden the base of revenue available. Once this is accomplished, we can then move forward to expand the program beyond household collection.

The blue box helps focus public attention on the third R, recycling. What is less obvious is the energy and effort focused on the first two Rs, source reduction and reuse. In a survey of GPMC members conducted last year we found that 72% had reduced plant waste to landfill, some by as much as 40% to 80%, and 56% had made packaging design changes to reduce waste that consumers throw away.

Significant steps have also been taken to reduce at source the amount of glass and metal, for example, in packaging. Other companies have reduced packaging by introducing refillable containers and reusable parts. Technological and processing innovations are allowing recycled content to be used to a greater extent, although there continue to be health, safety and regulatory barriers for many products.

GPMC was broadly supportive of Minister Ruth Grier when she announced her waste reduction action plan in February 1991. GPMC indicated at that time its willingness to work with the government and others in achieving Ontario's waste reduction goals. UFCW Canada supports the minister's overall objective. We also support the government's commitment to consultation, cooperation and building partnerships.

We understand the minister's objective of developing a comprehensive legislative framework to enable her to carry out parts of this plan. There are, however, several aspects of substance and process that are of concern to us.

GPMC was actively involved in the development of draft regulations on packaging waste audits and work plans. There was no discussion or prior consultation with GPMC or with UFCW on other aspects of Bill 143 before it was introduced in the Legislature.

The potential impact of changes and additions to part IV of the bill, amendments to the Environmental Protection Act, have broad-reaching and potentially damaging effects on the grocery manufacturing industry, its employees, UFCW members and consumers. To us it is surprising and disconcerting that the ministry did not engage our industry in substantive discussions before the legislation was brought forward.

I will turn it back to John to conclude.

Mr Lewarne: I would like to address our specific concerns about Bill 143. We do not understand the ratio-

nale, necessity or intended use of several clauses changed or added in part IV under the title, "Litter, Packaging, Containers, Disposable Products and Products that Pose Waste Management Problems." We take exception to the proposed change to section 136 that allows for "regulating or prohibiting the sale and use of disposable products that pose waste management problems."

This wording in the legislation could allow the minister to selectively ban any products sold in Ontario, since virtually all products pose some kind of waste management challenge. This undefined and unsubstantiated proposal places over the heads of Ontario manufacturers and workers in this industry a hammer that could drop at any time.

Also under section 136, the legislation would allow for regulations "defining standard, refillable, returnable, non-refillable in respect of containers and returnable or non-returnable in respect of packaging." The legislation further allows for the regulation of the "stocking, display, sale, advertising or offering for sale of any product." Again, we do not understand the intent or the rationale behind this change in the legislation. Without clear definition of how these provisions might be used and without a firm commitment to carry out advanced consultation, we are very concerned about the impact this bill could have on our business.

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The second R, refill/reuse, of the 3Rs waste management is an important one. It is often evident in the supply of raw materials and in reusable delivery systems rather than at the consumer level.

Our third concern with Bill 143 relates to requiring or authorizing the placement of a notice or mark on products to indicate such matters of waste management or environmental concern. This would, if enacted, set up a barrier to trade. Without more specifics it is hard for us to understand the rationale for this proposal in Bill 143.

Our fourth substantive concern relates to draft regulations on packaging audits and work plans. They allow us to make better decisions, to plan better as well, and the ultimate achievement of waste reduction objectives. Our concerns are twofold. First, we do not understand the need for regulation in this area. These audits are already under way in many of the manufacturing companies belonging to GPMC and other associations. Second, we believe that this regulation initiative is premature and unnecessary in light of Ontario's commitment to the national packaging protocol, which calls for voluntary efforts to meet the packaging waste reduction goals before the end of 1992. We are encouraging the Minister of the Environment to work through the National Packaging Task Force to achieve the same end.

To summarize, Ontario must preserve the current cooperative and collaborative process for solid waste management solutions. Dressing the Minister of the Environment in legislative brass knuckles will not complement this situation, nor will it increase the confidence of the business community. There must be a better way to address the problem. We believe the better way is to build on existing cooperation.

GPMC and UFCW recommend that this committee adopt the following three amendments to the proposed Bill 143:

First, delete clause 136(6)(l), which regulates and prohibits the sale and use of disposable products that pose waste management problems. Governments that wish to play this kind of role in the marketplace must take into consideration the impact of this type of regulation on future investment and job prospects in this province.

Second, incorporate the following preamble to accompany the legislative changes to the Environmental Protection Act:

"All levels of government, industry, labour, environmental and community groups must work cooperatively and collectively to achieve real waste reduction solutions. Any proposed regulation will be considered only under the following conditions:

"Mandatory and early consultation must take place among affected stakeholders.

"Any regulatory development must take into account the competitive context of the Ontario economy. This includes potential impact on sustainable jobs, as well as the demonstrated ability to ensure a level playing field for Ontario manufacturers and their workers and imported products.

"Credible life-cycle analysis must be incorporated into the supporting rationale for any regulatory proposal."

Third, the proposed regulations for audits and work plans should be coordinated nationally through the National Packaging Task Force.

When it comes to waste reduction, the 3Rs are only equalled by the 2Es: the environment and the economy. We believe the above recommendations will go a long way to securing not only good faith, fairness and continued cooperation among the players but results for Ontario.

Thank you for your attention. We look forward to any questions you may have for us.

Mrs Mathysen: I have a question. It relates to the assertion that importers might have an advantage inasmuch as packaging from products imported from the United States would not have to fulfil the stringent obligations set by Ontario standards. Perhaps Mr Blackwell would be able to help me, because this keeps coming up and it seems to me that there is a requirement that importers follow the same guidelines, but could Mr Blackwell clarify that, please?

Mr Blackwell: Yes. The reason it keeps coming up is because of the way the description of the proposed regulations on packaging is worded in Initiatives Paper No. 1. It is aimed at Ontario manufacturers. This point has been brought to our attention very strongly by GPMC, as well as by many other parties, along with the recommendation made here that we coordinate the actual drafting of the regulation through the National Packaging Task Force. We are working very hard at the present time on both of these, and GPMC will be quite pleased with the actual regulation when it is put forward.

Mr McClelland: I was interested in your involvement in the national packaging protocol, your cooperation on an industry-wide basis and the impact you feel it may obtain

if Ontario is out of sync with the rest of the country, perhaps indeed out of sync with the rest of North America but particularly the country, having regard to the fact that considerable discussion and negotiations were entered into with representatives of ministers of the environment nationally and across the country and with associations such as yours. What is the potential impact in terms of just management, dollars and cents, job opportunity, investment climate, the sense of certainty the business needs to proceed with plans to get on with the job or what you want to do?

Mr Lewarne: I do not know the precise economic impact. What I can assert to you is that investment dollars are attracted to climates of certainty, not climates of uncertainty. If we needed to produce separate packaging for 10 provinces in Canada, my suspicion is that our company would seriously consider whether that was an economically doable proposition. GPMC and the member companies of GPMC have always recommended that we want a common set of rules for the jurisdictions of Canada so that we can compete across those jurisdictions fairly. Really the issue is the economic environment and the attractiveness for investors, because that is what business is doing in this province.

Mr McClelland: Again, you talk about the issue and the concept of fairness in terms of dealing with governments, at least on a know-what's-coming, upfront, full disclosure basis.

Mr Lewarne: That is absolutely right. Certainty draws investment dollars, and knowing what the environment is will attract more investment dollars to Ontario. Uncertainty will cause investment dollars to be uncertain.

Mr McClelland: Your fear is that Bill 143 does create that uncertainty, at least raises the prospect of uncertainty in terms of business planning.

Mr Lewarne: The parts we have talked about today are the parts on which we would like to see this committee make recommendations for change. We believe those changes would be a very constructive outcome from today's proceedings.

Mr Cousins: I want to congratulate you. If I am right, you have the manufacturer and representatives of the UFCW working together in this presentation. That is a first in the hearings of this committee and I think it establishes something of a model of how we can all work better together.

I am impressed by what you have to say. I think you have come out with a very balanced series of recommendations. I will personally go through them in greater detail. I value the source it is coming from when people are saying, "Let's try to come up with something together." Rather than seek more, I think you are saying the right kind of thing. I just congratulate you. Keep it up. I hope that we can respond to the concerns you have raised.

Mr Catherwood: Just as a small comment, we have done a number of things together, and it is really quite remarkable the way that our relationship has blossomed in the last nine months. We have formed a thing called the Canadian Grocery Producers' Forum, which is addressing three issues: training and adjustment; competitiveness and all of the things that go into that, because it does not mean

the same quite to Sandra and John that it does to us, but we are talking about that, and also the environment.

Sitting here today, we wanted to say that we think that partnership, cooperation and dialogue are the way to go. Of course for us some of these are worst-case scenarios, but we just wanted to bring them to your attention and say, "We want to work together. We want to work with this government. Let's get on with the job."

Mr Cousens: I give you high marks for that. Good things come out of it when you start working together like that.

Mr Martin: I would certainly like to take off on that a little and suggest that is exactly what we are intending to do and the proposed legislation is in a context within which we think we can. I heard your brief, the part I was here for, and I listened to it very carefully. You have some good ideas. I certainly would be interested in hearing more and I think the rest of the committee would. Have you done any kind of cost analysis you could present to us that would give us some more detail to back up your concerns around the legislation re packaging and refillable bottles?

1530

Ms Banks: It has been very difficult for us to do that on some of the specific elements of the legislation, given that they are so broad and that we are not clear on whether it is the intention of the minister to proceed, for example, in terms of the labelling aspects and the banning of products. It is hard for us to know what the impact is when essentially the minister is given broad-ranging and almost sweeping power to move in any direction the ministry might choose. So it has been difficult to do that.

We do know that in the area of conducting audits and work plans there will be some upfront costs for many manufacturers. To the extent that manufacturers are already conducting these processes, it is already a built-in cost. If companies have to carry out the audit a second time for the purposes of complying with the regulation, there will be an additional cost. To give you an example, a major manufacturer in the food industry has estimated it will cost \$100,000 to carry out a packaging audit of its 9,000 specifications on its packaging. That is just to give you an idea that there are significant costs attached. Again, they are carrying that out voluntarily, and that is why we are suggesting that process should continue to be that, because the will is already there to commit those funds and carry out those kinds of processes.

Mr Martin: We had McDonald's of Canada here yesterday. They spoke about cost savings because of the audit and some of the things they did. Have you talked with any of those people around why they see it as such a good thing, versus your fears?

Ms Banks: We are totally supportive of the process of conducting audits and scoping out work plans for the future in terms of indicating where the reductions and the diversion will happen in packaging. Our concern, again, is when you standardize the process in a regulation, you impose a certain way it must be done and either it has to be done again or it has to be done differently, which is where the additional cost comes in. That is what we have been trying to work

through with the ministry to avoid that duplication or redundant effort.

The Vice-Chair: Thank you for your presentation. It will be part of the record. While we are waiting for the next group, I would ask the parliamentary assistant for a point of clarification, because he wanted to expand on something.

Mr O'Connor: Thank you for your presentation. I know you have participated in some of the national packaging protocol and what not. For the committee's sake, and for those viewing who maybe do not understand the federal-provincial relationship with the ministry and how it affects the national protocol, perhaps I could ask Drew Blackwell to address the committee and explain the relationship, please.

The Vice-Chair: Yes. Before that, would the city of St Thomas please approach the microphones. I want to just point out that we have had a change. Mr Boldrini, an environmental chemist, was supposed to appear at this time, but we left a message with him yesterday at 4 o'clock. He was on the waiting list and he was unable to change his schedule on such short notice, so that is the reason he is not appearing. I would ask the city of St Thomas to approach the microphone while the ministry elaborates.

Mr Blackwell: I believe it may be important to point out that the concern about making sure that we do not create a situation in which there are 10 conflicting sets of rules about packaging across the country is a concern that has been brought forward by all the different industry associations and by the Federation of Canadian Municipalities and is part of the reason for the creation of the national packaging protocol.

I think there was some illusion at the time when those concerns were initially brought forward that the federal government would regulate in this area. It was through the discussions around the creation of the national packaging protocol that it became quite clear that is not the way the powers could work. Provincial governments have the responsibility for waste management, and the way in which the national packaging protocol implementation at any kind of regulatory initiative level is to take place is by making sure that there are uniform standards for what ought to be in place in all the provincial jurisdictions across the country. That is the distinction between a federal action and a national action. It is in concert, then, with the regulatory subcommittee of the national packaging task force that we are coordinating our work on all the regulations on packaging.

CITY OF ST THOMAS AND ELGIN COUNTY

The Vice-Chair: I wonder if you could identify yourself for the Hansard people before you commence.

Mr Barrett: I am Robert Barrett, city administrator for the city of St Thomas.

Mr Peters: Stephen Peters, mayor of the city of St Thomas.

Mr Lyle: Hugh Lyle, reeve of Southwold township and warden of Elgin county.

Mr Pawley: John Pawley. I am a consulting engineer with Conestoga-Rovers and Associates.

Mr Peters: To understand our delegation's position on Bill 143, it is necessary to give the committee a brief background on the history of waste management in Elgin county.

The McCaig family has been involved in waste management in Elgin county and with the city of St Thomas and municipalities in Elgin, Middlesex and Huron since 1950. Over the years they have developed, through various companies, a multifaceted approach to waste management which includes municipal pickup and disposal, industrial and commercial bulk lift waste removal, onsite industrial resource recovery, a materials recovery centre and landfilling. The parent company is St Thomas Sanitary Collection Service and the current landfill is operated under the name of Green Lane landfill. The Green Lane landfill is located in Southwold township adjacent to Highway 401. A previous site on the edge of St Thomas in Yarmouth township has been restored to a buffalo pasture.

As smaller municipal landfills in Elgin and Middlesex county became full or too costly to operate, many of the municipalities moved towards St Thomas Sanitary Collection Services' facilities for disposal.

The current site opened in 1978 after numerous hearings, including a full EPA hearing. A 70-acres footprint was approved at this time. In 1985 Green Lane was given approval for a change in the landfill's contours, but the capacity was calculated at that time based on the old contours and determined to be one million cubic metres and the footprint was reduced to some 32 acres. In 1985 Green Lane began discussions with Ministry of the Environment's officials to get permission to expand on to the rest of the original environmentally approved footprint. Original discussions indicated that the process should be smooth and completed before capacity was reached.

Shortly thereafter, in 1988, the legislation was changed so that, as a private operator, Green Lane now came under the Environmental Assessment Act rather than the Environmental Protection Act, just two years before the site was to reach its licensed capacity. Thus, to remain operating, Green Lane had to complete a five- to seven-year process in less than two years. In early 1991, after discussions on how a private operator would undertake a full assessment, this process got under way and is expected to last several years. Green Lane is now developing a waste management plan for its municipal, industrial and commercial clients.

Realizing that capacity would be reached as early as late summer 1991, the company in late June 1991 filed a request and an accompanying report with the Minister of the Environment for non-designation under the Environmental Assessment Act for an interim expansion. Such a request, if granted, would allow for a possible quicker short-term approval under the EPA on the approved footprint while the long-term process continued. To date, we have not received an answer.

In late August the company, on behalf of its municipal, commercial and industrial clients, filed a request for an emergency certificate of approval to operate on the ap-

proved footprint until the long-term approvals process was completed. This request was denied by the ministry on September 13 and the site was closed. The ministry's response was that no emergency existed as there was an approved site some 100 kilometres away at the Ridge Landfill Corp in Kent county. The Green Lane site is currently being used as a transfer station for Elgin county waste, which is being hauled to Kent county at an additional annual cost in excess of \$2.5 million to the 85,000 residents of Elgin county and their industries, this in a time of recession and in a time of concerns from ratepayers over high taxes. It is within this context that the delegation from Elgin county wishes to comment on Bill 143.

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Part I of Bill 143 deals with the Interim Waste Authority Ltd. The delegation finds it of interest that the IWA corporation's inspectors have the right to test and examine private properties and to gain access thereto for determining the suitability of the property for landfilling and to qualify the property as an alternative site that has been looked at to satisfy the requirements of the Environmental Assessment Act. After a certificate of approval has been given by the ministry, this authority can then expropriate the site for landfilling for one of the four greater Toronto regional governments. This provides a great advantage and reduction of potential capital costs and speeds up the acquisition process compared to the rest of the province.

Compare this to the process the city of St Thomas, with its limited financial means, would have to go through to obtain a site. In order to obtain a site, preliminary constraint mapping and other elimination procedures gained from existing offsite information would have to take place and several sites optioned from the owners. After further testing, a site has either to be reoptioned or, due to the length of the process, actually purchased in advance. Then a waste master plan must be developed with public input, with the hope that one of the sites optioned or purchased is chosen. Then the rural municipality must be brought on side if possible. Rural municipalities wishing to create a site within their own boundaries must go through a similar process, but they have an easier road to expropriation within their own boundaries. Private operators are forced to be even more circumspect in their attempts to acquire possible sites to avoid high acquisition costs.

In summary, it is the position of this delegation that if the environmental assessment process is flawed to the extent that a special-purpose authority is required to gain entry to properties on behalf of the greater Toronto area regional governments to assess potential landfill locations, then it is flawed throughout the province and the same power should be given to agents acting on behalf of any municipality.

Part II, dealing with the process for approvals for sites selected by the IWA to satisfy the sites required under paragraphs 12(1)1, 2 and 3, concerns the delegation with its inherent unfairness. While the delegation in no way wishes to minimize the current waste disposal crisis in the greater Metro region, this does not justify that the selection process is amended for only the greater Metro Toronto section of the province. The first section of part II established the requirement for the IWA to establish a landfill in

each of Durham, Peel and Metro-York. Also, instead of volume considerations, the same considerations which determined the closure of Green Lane by the ministry even though further approved areas existed, the sites are to be sized to operate for at least 20 years but no maximum site life is imposed. How does one determine how much land is required? To justify a larger site, does one merely extend the site life?

Section 14 of the proposed bill in front of the committee proposes that the assessments of the three potential landfill sites mentioned above would not have to consider any alternatives other than those related to waste reduction, recycling and other single landfill sites in this region. This eliminates one of the most costly and time-consuming processes within the environmental assessment process. In fact, if this consideration were given to Elgin county, then the Green Lane site would be ready for an immediate hearing. This is a significant scoping or narrowing of alternatives that would be applauded by any municipality that will have to follow the EAA process for a new site. The delegation feels that this should be extended to the entire province.

The delegation also notes that the environmental assessment for these three proposed sites, among other things, does not have to look at the transport of waste outside the GTA region in which it is located. We understand that considerable funds were expended on the Kirkland Lake rail haul option and wonder, if there truly is an emergency, why this alternative, which would have to be considered in a normal comprehensive environmental assessment, is being eliminated from consideration. Is the minister suggesting that if waste is disposed in your own backyard, you are more likely to divert and recycle? If that is the case, why is the minister forcing Elgin county to ship its waste to Kent county when a known approved site area exists at Green Lane, a site ministry officials have been quoted in the London Free Press as saying has been operating safely and is environmentally safe? I draw the committee's attention to appendix C regarding these findings.

Part III, dealing with special provisions for the interim expansion in accordance with a section 29 report of the Britannia Road and Keele Valley sites, is a bitter pill for residents and local civic leaders in Elgin county and St Thomas to swallow. It minimizes Elgin county's problems. It provides the same kind of consideration to the greater Toronto region that Elgin county asked of the minister in its delegation to her on September 17 of last year, and which was denied. The overall theme seems to be to approve an extension of these two sites in advance of the final technological results even though the technical studies that are being performed may suggest that it is not technically appropriate or economically feasible to do so. Yet the minister is not prepared to correct a paperwork crisis in Elgin county, where the ministry does not have to go out on a limb, as Elgin county and St Thomas already have an environmentally approved and tested footprint ready to be expanded upon. Recognizing that an approved landfill exists, there is a resistance in Elgin county to paying the heavy transfer costs, and illegal dumping along roadsides is be-

coming such a problem that we feel it is becoming a significant health hazard.

The veiled reference to forcing waste on an adjoining municipality in subsections 17(5) and (6) is not needed in the case of Green Lane, as the host municipality, Southwold township, supports its existence. This convoluted approach to legalizing and overcoming various bodies and legislation, including the Planning Act, that takes place in subsection 17(8) to force municipalities to conform to a section 29 report is far more than is needed at Green Lane. Green Lane needs only a technical amendment to the volume in order to operate within the original footprint during the time the full EA process continues to take place.

If under clause 18(2)(a) the minister or her director can issue a section 29 report on these two sites in order to solve a problem for Metro Toronto and have it implemented through the issuance of an amended certificate of approval without an EA board hearing, why should it not and could it not be done for Elgin county? The delegation is of the belief that in the interest of fairness, the 85,000 residents of Elgin county should be treated with the same consideration as the four million residents of the greater Toronto area. Although our problem is smaller in overall scale, the per capita costs are just as significant.

The delegation has reviewed part III of the act and feels there is no reason why part III cannot be amended during this process to include Elgin county. The city of St Thomas or the host municipality, the township of Southwold, could be designated as the municipality acting on behalf of the other 12 Elgin municipalities in lieu of a regional government for the purposes of a limited expansion. An agreement could be entered into between the host municipality and Green Lane to conform to any section 29 reports from the minister. If this were done, Green Lane could reopen upon the passage of this bill this spring.

Part IV of the proposed bill deals with amendments to the Environmental Protection Act that allow, among other things, for the minister to implement some of her recycling and waste reduction strategies through regulations. Although some of these will affect Ontario municipalities directly, we will not, through this avenue, make any comment upon those clauses for fear of detracting from our major point of emphasis. We would like to take the opportunity to make some brief comments on those clauses within part IV that could affect the approval process for waste handling and disposal facilities.

First, the proposed addition to section 3 of the EPA through clause 23(2)(k) of the bill seems to entitle the minister to "operate, use, alter, enlarge and extend" waste management systems and disposal sites. The ministry would then be a proponent if approvals were required, unless granted exemption by some other late legislation. This provision represents a potential shift in power from the current operators of the sites and systems, both municipal and private, to the minister. We note that no appeal process is provided.

The delegation has reviewed section 33 of the proposed bill. We interpret this to mean that by regulation, municipalities and private persons can be required to establish waste disposal sites or waste management systems or

to operate, enlarge or replace such sites or systems. Also, waste management plans can be imposed by regulation on municipalities and private persons. Very broad regulation-making power is provided with respect to waste management systems, sites and plans. The new proposed clause 136(4)(t) seems to allow a regulation to deem that a certificate of approval exists with respect to waste management systems or disposal sites. No hearing under the EPA would be required. Under proposed clauses (k) and (l) of the same section, it seems that new sites could be dedicated or existing sites enlarged solely by regulation, without other approvals being required. This seems to be generally in keeping with the request from the delegation from Elgin county, although there should be some form of process to ensure that adequate dialogue takes place between the minister and the municipalities involved before regulations are arbitrarily brought down or requests denied.

In summary, the delegation from Elgin county municipalities and the city of St Thomas believes (a) that the current crisis in Elgin county has as great an individual impact as the greater Toronto crisis; (b) that the amount of waste being dumped along rural roadways in Elgin in order to avoid the transfer costs is becoming a health hazard; (c) that the residents are prepared to support ministry efforts for waste reduction and to maintain a professionally operated landfill, but that Elgin residents and their municipalities cannot afford to spend an additional \$2.5 million annually for unnecessary transfer to Kent county and spend money on waste management improvements at the same time. Elgin's tax dollars would be better spent in Elgin and would provide jobs in Elgin.

1550

The delegation from Elgin county requests that this committee recommend to the government:

1. Since the EA process is too convoluted and time-consuming to meet the waste crisis in the greater Metro area, it is also too convoluted to meet the waste crisis in other parts of the province and to solve the problem in those municipalities where landfills have reached either capacity or licensed capacity. The process should be amended for the entire province, particularly the requirement to examine alternative sites. However, the elimination of the examination of alternative sites should not be confused with the examination of alternative technologies, a process the delegation supports.

2. The waste management problems of Elgin county and other parts of the province are as important as the problems in the greater Toronto area. Scale and population should not matter. In excess of \$2.5 million worth of additional cost for transportation of waste to Kent county is an important concern to the residents and industries of Elgin county. In addition, the tipping fees are also leaving the county, and no longer is a portion of those fees going to support reduction and recycling initiatives in Elgin and St Thomas. If a solution is to be found for Metro's problems through special legislation, then a solution to Elgin county's problems should be found in the same way. Green Lane landfill should be added to the provisions for the Keele and Britannia sites.

I would like to take this opportunity to thank you for your time this afternoon. We would be happy to answer any of your questions.

The Chair: I just have a very short period of time for questions. What I am going to suggest is that you put your questions on the record. The mayor can choose to answer the ones he can now and then submit in writing the answers. We will start with Mr Cousens.

Mr Cousens: I thank you for your presentation. I think the concern you expressed right at the beginning that what is going on in the GTA could happen elsewhere—the solutions that are being brought forward with Bill 143 as it affects the greater Toronto area will be precedent-setting, as to how it will impact your community. There is no doubt about it. Your thoughts and concerns will go a long way to helping us try to get some sense into the bill. I think it is well done. I do not have any comments except that I appreciate your coming and bringing it. That has been one of the points. With all due respect to the Liberals and ourselves, we have been saying: "It is not just a Metro problem. It is far bigger than that." The fact that you are here gives that some credibility.

Ms Haeck: I do appreciate your comment, as someone who represents a riding that is outside of the GTA, that is, St Catharines-Brock.

The Canadian Polystyrene Recycling Association and a number of other deputants—mostly private industries, by the way—have indicated their desire to reduce and recycle. CPRA in particular is looking for post-consumer products, and in fact pays for some of these products. So my question to you is, have you looked at these types of waste reduction programs and, if you have any 3R programs at the present time, how are you funding them?

Mr Lessard: I noted in your presentation, and I agree, that the environmental assessment process is time-consuming. You said that because of that, you have not been able to deal with the landfill capacity in your particular case. I notice that in appendix B, page 2, there was mention of a large amount of soil that was put into this landfill site, and that larger volumes were encouraged to increase profit. You have illustrated a risk associated with private ownership of landfill sites. Were not some of the municipalities concerned by what they saw going on at that time?

Mrs Mathysen: I want to thank you for your deputa-tion. I was wondering, in terms of understanding your financial situation, what kind of tipping fees you were paying at Green Lane and what you are paying at Ridge. Does that include the trucking fees and, if so, what firm is doing the trucking?

Mr Sola: Do you think Metro Toronto or the GTA is getting preferential treatment through Bill 143? Do you find the Minister of the Environment, in that capacity, is in conflict with her other self in her capacity as minister responsible for the greater Toronto area in presenting Bill 143 as a solution to the whole province rather than just a solution to Metro's waste?

The Chair: You have approximately four minutes. If you are unable to answer all the questions that have been

put forward, please feel free to answer in writing if you can. We would appreciate hearing from you. You do not have to answer now. You can use the time to sum up and then send us a letter in response, whatever you would prefer.

Mr Peters: If you would not mind, we will try to answer as many as possible, and the others we can answer in writing to you. If possible, I would like to defer to the city administrator from the city of St Thomas, Bob Barrett.

Mr Barrett: The first question dealt with CPRA and the desire to recycle some waste. The city of St Thomas and other municipalities within the county have initiated waste recycling programs. We have the number one blue box program operating in the city of St Thomas. We have recycling of Christmas trees. We have a pilot composting program on which we are still awaiting Ministry of the Environment approval. We also have a household hazardous waste program in operation.

I think that is indicative of the kinds of things the city is doing, and municipalities within the county are doing similar things. If you need some detail on that, in the back of the brief there is an indication of some of the recycling initiatives that have been taking place. There is some indication of the containerized systems that are in place in Port Stanley, Aylmer and some of the other municipalities.

Those systems are being paid for through financial assistance programs of the Ministry of the Environment and OMMRI, as well as the municipalities, in the usual proportions for those grant structures.

Mr Lessard asked questions about the soil that was put into the site. Certainly we were concerned about that. Unfortunately, it did not come to the attention of the municipalities until after the fact. In fact, it was quite alarming to the municipalities when it was discovered that the soil had eroded substantially the capacity of the initial footprint. However, the fact remains that the capacity of that footprint was used up and the ministry closed the site for the reason of that capacity having been used.

Mrs Mathysen asked about the tipping fees. Until the closure, tipping fees at the Green Lane landfill were \$17 per tonne. Tipping fees at Ridge, I believe, under a contractual arrangement with our contractor, are \$60 per tonne, guaranteed for one year. For transportation to the transfer site, the compaction and transfer to highway carriers and the transportation and dumping at Ridge, we are currently paying \$107.50 per tonne.

Ms Haack: Who is the highway carrier?

1600

Mr Barrett: Our contractor, St Thomas Sanitary Collection Services, is contracted by us to collect from the municipalities. They take it to the Green Lane landfill, which is now a transfer station only. They have contracted with a firm—the Vanderwyst brothers, I know, run the firm; I cannot tell you the name off the top of my head. They are hauling on behalf of the contractor to Ridge.

The Chair: Thank you very much for your presentation. I know there is additional information you would like to share with the committee. We would ask that you send it to us in writing. The way the process works is that any

communication we receive before February 14 becomes part of the public record. After February 14, the information is shared with all the members of the committee to help with their deliberations. We appreciate your coming to the committee today to share with us your concerns as well as your advice. There is one minute, if you would like to sum up, if there is any last message that you want to leave with the committee.

Mr Peters: I just want to say that we did bring a delegation of good representation from Elgin county today. I want to point out that three of the municipalities which are affected by this closure of the landfill site and which have also experienced increased costs are members of Mrs Mathysen's riding of Middlesex county. With this closure of the landfill site, it is costing us close to \$100,000 a month. We are finding it very difficult at budget time, with the increased costs of the landfill, and with welfare and social services, to keep taxes down in our municipality. The quicker our old landfill site can be opened, the less of a burden it is going to be on our taxpayers.

The Chair: Thank you very much for your presentation. We look forward to hearing from you.

MARIA GREIFENEDER

The Chair: I would like to call the next presenter, Maria Greifeneder. Welcome. Please have a seat at the table. You have 20 minutes for your presentation. We would appreciate it if you would leave some time at the end for questions from members of the committee. Do not worry about the microphone; just talk into it and Hansard will record everything you have to say. Relax; the committee is looking very friendly today.

Ms Greifeneder: I would like to thank you for this opportunity to comment on Bill 143. I would like to express my particular appreciation to the opposition parties for bringing this bill to hearings.

I believe this bill is unnecessarily high-handed and an affront to Ontarians, particularly in the GTA, at least at this point in time. Had the government attempted through more diplomatic and democratic means to resolve the landfill problem and met with no success, I could understand it wielding such a big stick. However, there was no such effort or demonstration of goodwill by the Ontario government. There was no willingness to develop a cooperative relationship between the government, municipalities, the private sector and, of course, the people of Ontario. In fact, this bill shuts the people out; it shuts the private sector out and, to boot, the Ontario government intrudes on municipal jurisdiction. I believe that part I, section 8 may also violate individual rights as set out in the Charter of Rights and Freedoms.

While my trust in politicians is only limited by their actions, I recognize the municipality's right to represent and govern on behalf of its constituents, and that is largely compromised by part III of this bill. Not only would they lose control over what has traditionally been their jurisdiction, they are stuck with the bill or, more precisely, they are stuck with giving the bad news to the property taxpayers when we do not have any money left.

I am an advocate of disentanglement. I will tell you why. I am fed up with one government making the decisions and passing the responsibility of collecting the taxes to the other. It leaves us like proverbial ping-pong balls. I would add, to quote the Premier when he is asked a tough question or put in a spot between a rock and a hard place, "It's not fair."

After seeing \$8 million of my community's tax dollars going down the drain because the landfill in Brampton, the proposed interim spot, did not complement the minister's ideology, I became more incensed when I learned that the minister would not extend so much as the courtesy of holding private hearings on the Britannia expansion. I see this as high-handed and reprehensible. It is a violation of my environmental and political rights.

I recognize that the minister is socially and environmentally aware. However, I respectfully submit that as a human being she is subject to making erroneous decisions, more so when she chooses to examine selective information. For this reason, I am profoundly opposed to environmental assessment restrictions as set out in part II of the bill.

Furthermore, I suggest the assertion in part II that transferring waste to a willing host community is unacceptable is in contradiction to section 29 of part III where the minister reserves the right to order one municipality, willing or otherwise, to act as a host for another community's trash. If you are going to take the policy that transferring trash from one municipality to another is unacceptable, you do not need the power to order someone to do it. If Ontarians must be subjected to such insensitivity as demonstrated in Bill 143, I ask the minister and her government to at least be consistent on that point.

While campaigning, the governing party assured Ontarians that no landfill expansion would occur, certainly not without a new environmental assessment. The governing party assured us for some time now that a garbage gap would not occur. The governing party dramatically and convincingly persuaded us to believe that the environmental assessment process would be stronger, not usurped when it becomes inconvenient. The government has changed its mind on all of these policies within the past 17 months.

While my ideological preferences could not differ more from those of the governing party, I must admit that upon learning the results of the September 6, 1990 election I did feel at least assured that the environment would be in good hands. But, like the government, I too have changed my mind since that day.

With respect to the promised environmental bill of rights, as much as I hope the government will not change its mind on tabling that bill, I wonder about its relevance when it will only be effective if and when this minister and her government see fit. Where is the integrity in that?

As for the notion of the provincial government gaining the power to intrude on the financial management of the municipal waste management activities, I can only hope the government will learn how to handle its own finances more effectively before setting its eye on the municipalities.

I support the amendments indicated in the minister's statement to this committee and would ask her to think

about some further suggestions which I will make in a moment. I would like to add that there is one particular amendment which the minister spoke about and that was with respect to compensating people whose property may be injuriously affected. The only reason I support that amendment is because I believe the province should be held responsible, not the municipality.

I will go on to some ideas I have come up with. First, I would encourage consultation with consumers, workers, the packaging industry and taxpayers to come up with a workable and ideally practical means of reducing things like packaging and making most of these materials recyclable.

Second, I would encourage a proviso on the minister's emergency power that landfill extensions cannot occur more than once and not at all without an environmental assessment. I ask her this simply because the way it stands now the bill does not put a stipulation on that. Hypothetically, we could have more use of this emergency power. We could have indefinite expansions of landfills.

Third, I would like to see the environmental assessment process made shorter and stricter, but let's make a decision one way or another, instead of this tedious, long procedure that does not seem to do much good. I think that is the idea of circumventing the process through this bill as it is.

1610

Fourth, I think part II should be revised in order to provide examination of alternative measures such as the northern rail proposal. Barring that, I would at the very least provide for exemption to this bill for projects that have surpassed at least 60% of the present environmental assessment process, on the condition of course that these projects are in fact economically sustainable and, more important, safe.

Fifth, I would strike the section which affords the Lieutenant Governor in Council the right to determine paramountcy of conflicting law under this bill. Decisions such as those should go before the House for debate or, at the very least, be discussed in the committee.

Sixth, under no circumstances should elected municipal governments be accountable to or take orders from an appointed and unaccountable director.

From my perspective, the environment should not be used as an excuse to compromise the democratic integrity of this province. I think that is what upsets me more than anything else about this bill. So many decisions can be made behind closed doors and on selective information.

The bill is insensitive to Ontarians, local governments and the private sector as it seeks casually to discard historic and cherished rights that were established long ago and were thought to be secure. It casts aside the present environmental assessment process, and it provides the Ontario government with reprehensible expropriation of municipal powers, leaving municipalities with the tasks of answering to the public and raising property taxes. It determines paramountcy of law behind cabinet doors, and we all know which way the decisions will fall. In short, I find this bill tyrannical and offensive to anyone who values and respects not only our environment but democracy as well.

I support the 3Rs and recognize the need to resolve the landfill crisis, but I believe there are more democratic and diplomatic ways to achieve the desired results.

In closing, I thank Madam Chair and the members of this committee for their time.

The Chair: Thank you very much for your presentation.

Mr Cousens: I have a comment. When you come to Queen's Park, sometimes you wonder just who is paying attention to what is going on. When you get as immersed in it as we are as legislators and individuals come forward who have studied the situation and have a feel for their community, their society and their rights—you have touched on some of the things that I hoped we would begin to hear, that reinforce the concerns I have. When you start talking about the charter of human rights and the rights that would be taken away by government coming on to your property, and also taking away the rights of municipalities, it touches on the very fundamentals of what society is all about, and in the specifics within the bill where you are looking for some common sense.

I just wanted to go on record and acknowledge very sincere appreciation for this presentation. I think it is extremely well thought out. I was going through your earlier presentation; you keep adding to it, I think. Maybe we have put you in a position of not giving you enough time, but the problem we had is that the government would not have given us any time at all if we had let it get away with that. So I just want to go on record and say thank you for a super presentation. I hope we can incorporate in our own amendments some of the points you have made here. We will try.

Ms Haec: While I may differ on some of what you have said, I appreciate the fact you have taken the time to come and make your presentation. I noticed one of your comments about having to provide 30 photocopies of this presentation. I myself have made a similar comment at times when I have made a presentation to the previous Liberal government, but it is one of those things that I guess is a requirement.

I would at this point like to, through the parliamentary assistant, get a clarification of the Charter of Rights and Freedoms aspect that Ms Greifeneder has raised here. I believe we have talked about it before, but I think it really deserves some further clarifications.

Mr O'Connor: Thank you for the question. I think it is something that has been raised a number of times from presenters like yourself with some concerns about it. We are going to get a further clarification on that and it should be coming, hopefully, within the next day or two of committee hearings so that we can get that on the record as soon as we can to allay some of the fears people have that this is something that is in this act and no other piece of legislation. It is something that, unfortunately, in the process of trying to develop a site, is necessary. But we want to try to rest assured that it is not something that does not exist in other legislation, and clarification will be coming shortly.

Ms Greifeneder: May I make a rebuttal to that?

The Chair: Yes, you have the floor.

Ms Greifeneder: I realize that the idea of making an inspection and so forth is common in other legislation; however, my objection primarily is the fact that there would not be a requirement for a warrant. In that sense you can have people going on to people's property any time, any way, in any form. We have absolutely no rights the way this bill is designed. I believe that would be challenged under the charter. I have examined the charter for this past year. I have been very interested in constitutional matters for other purposes. I have studied the charter quite carefully and that is the primary concern I have. It is with respect to the fact that you would not even require a warrant.

Mr McClelland: By way of question and comment, I want to tell you how much I appreciate you as a citizen coming forward and expressing your concerns. I do not think anybody could put it more eloquently than you have. What you say is, in my view, amplified by the fact that you come here as a citizen and as somebody who is concerned; that is what brings you here.

The things you said about taking away people's rights, about the erosion of confidence in a government that you believed, if nothing else, would at least maintain a sense of integrity in terms of environmental issues, sums up so very well the concerns many of us have had; the fact that it overrides so much existing legislation and then goes on further to say: "We will reserve that right to do it privately. If there is any problem that gets in the way, we reserve the right to do it in cabinet by regulation." That is so contrary to every principle that people believe in in terms of democracy and freedom.

I do not know if you were here when PACT was here earlier. I showed them a file that I requested from this government about the work it has been doing to try and find—it is a lot of paper. Do you know what the government supplied me? Some 108 blank pages; 108 pages are blank.

Ms Greifeneder: One hundred and eight blank pages. Why?

Mr McClelland: I want to know what it is trying to hide. I have a real concern there. I think that is essentially what you were saying; that there is something really amiss here. That same group was told outside by its member, Mr Wiseman, "If you want to know anything, just ask me." People should not have to depend on people who think they are in the know. People in this province should be treated equally, they should be given the same rights under the law and they should not have to look at blank pages, specifically or, if you will, symbolically. That is what we have here. We have something that says: "We'll hide it. We don't want to be accountable. We think we have the right to do whatever we want to do. I am sorry, citizens and people of Ontario. You do not count any more because we are now in power."

Mr Wiseman: I think you have said that so well.

The Chair: Mr Wiseman, there is enough time for you to put your question on the record, if the witness can answer quickly. But we really just have one minute left.

Mr Wiseman: I would like to make a comment on your section about the expropriation. Nobody in southern

Ontario knows about expropriation better than the residents of north Pickering who had 43,000 acres expropriated from them in 1972 by a federal Liberal and a provincial Tory government. That was done with no clear end use being demanded by the certificates of expropriation.

What is different in this bill is that no land can be expropriated without the certificate of approval of the landfill site being issued, which means that you cannot just go and expropriate 25 sites of people's land and then say, "We'll take this one and then sell it off later for some other use," which is what the residents of north Pickering would have appreciated back in 1972.

You have made some comments on the other parts of the bill, but I just wanted to say that in terms of expropriation, I have to disagree with you.

Ms Greifeneder: When I am referring to expropriation, I am using the term with respect to municipal powers. I believe that is what I said when I made the comment. I am well aware of the fact that expropriation rights are necessary for governments to go about doing their business. I am not objecting to that. What I am objecting to is that the waste authority people can go on to people's property without even a warrant. I think that is disgusting and I really think that if your government cares about anything besides its own ideology, it will consider that.

The Chair: Thank you very much, Ms Greifeneder. We appreciate your coming before the committee. If there is anything additional that you think the committee would find helpful during its deliberations, you can write to us and I assure that anything we receive by 14 February will be part of the public record. If we receive it after that time, members will receive a copy of it so they can consider it. So please feel free to communicate with us in writing. Thank you very much.

1620

PHILIP ENVIRONMENTAL INC

The Chair: I would like to call for the next presentation, Philip Environmental Inc. Welcome. Please introduce yourself. You have 20 minutes for your presentation.

Mr Pingue: Madam Chairman and gentlemen and ladies of the committee, my name is Antonio Pingue. I am vice-president of environmental affairs with Philip Environmental Inc. The purpose of my presentation is to provide the committee my viewpoint of the proposed legislative changes contained in Bill 143 and the impact it will have on the private sector.

My background in the waste management field spans 21 years. I was employed with the Ministry of the Environment for 17 years on the front line delivering the ministry's program to a variety of sectors. My last five years were spent as an investigator and supervisor in the investigations and enforcement branch. You could reasonably say I literally grew up with the developing environmental legislation in this province. Fortunately for our environment, we have progressed from concerns over suspended solids being discharged to waterways to measuring and controlling exotic contaminants in parts per

quadra trillion and studying their long-term effects on our environment.

As vice-president of environmental affairs with my company, one of my main tasks is to advise our board members and shareholders on the impact that pending legislation may have on our sector. Bill 143 raises my concerns.

Philip Environmental Inc is a publicly trading company and a major recycler of industrial materials based in Hamilton, Ontario, with operations in British Columbia, Alberta, Quebec and the state of Michigan. Our company owns and operates several landfills, transfer and processing facilities with transport, handling and recycling capabilities of large volumes of ICI waste, solid non-hazardous waste and hazardous waste.

The Philip Environmental Group of companies has been recycling industrial waste since 1980, long before the 3Rs program was introduced in this province. In 1991, our Hamilton operations alone diverted 33% of the 350,000 tonnes of industrial waste handled at one of our facilities. We employ in excess of 1,000 people, 500 of whom are located in Ontario. The private sector waste management industry in Ontario is made up of hundreds of large and small corporations with thousands of employees in this province.

I have followed the committee proceedings closely and I know you have been advised of the potential impacts this bill will have on the private sector. This committee has received a very clear, strong message from our competitors and the associations representing our sector. Our sector represents the only significant recyclers that have, beyond dispute, diverted waste from landfills in this province.

I would now like to cover the specific sections of Bill 143 that in our view require clarification or to be completely amended.

In part I, the proposed powers of access to private property are excessive and far-reaching. The previous speaker put it as well as anyone else could put it as a citizen. The legislation provides no rights to land owners who do not want to allow inspectors access to their property.

Provincial legislation preaches public consultation as a key component of any environmental assessment process, but the bill does not apply the same consideration to private property. The proposed crown corporation may become the applicant, an operator and essentially an extension of the regulatory body, the Ministry of the Environment.

The potential for conflict of interest created by Bill 143 is clearly visible. The minister has completely eliminated the private sector in providing the services within Ontario. The Ministry of the Environment Waste Disposal Site Inventory, dated June 1991, identifies all active sites in Ontario. It identifies hundreds of municipal and private sites that can service the immediate and long-term needs in an environmentally sound manner. The minister has eliminated free enterprise opportunities regardless of the cost to taxpayers in this province by creating another crown corporation.

It is my opinion that the government should not be competing with the private sector. The private sector corporations and their employees pay the taxes that will ultimately support another government body.

In part II, the minister must consider the proposed legislation because the wording suggests that alternative sites will not be considered. The legislation clearly states, "One landfill waste disposal site to be located in..." without evaluating the potential of more suitable sites outside the named municipalities in section 12. Section 14(3) states: "An environmental assessment which complies with this section shall be deemed to comply with subsection 5(3) of the Environmental Assessment Act in respect of the matters referred to in this section."

The presentation of alternatives is a key issue in the EAA process, but the minister is now creating a different set of rules that apply for the crown corporation and the GTA through the Interim Waste Authority.

The private sector, which has no powers of expropriation and rights of entry, is left to deal with the EAA although it was designed only for public sector projects. The minister has failed to provide the same scoping alternatives to the private sector despite recommendations in the environmental assessment procedure improvement program.

A conflict exists between the minister stating that export of waste will not be an alternative in subsection 14(2) and the amendments being proposed to section 29 in which the directors, and now as I understand it the minister, may order a municipality to accept waste from outside its boundaries.

In part III, the minister has provided for arbitrarily extending specific existing municipal sites within the GTA without evaluating the potential environmental consequence. The private sector is not given the same consideration.

The minister should provide clear guidance to the private sector in allowing expansion of daily volumes, extensions to service area at landfills presently operating and capable of handling GTA waste volumes and residues from recycling operations. This oversight, in my view, is the main contributor to the exporting of waste from the GTA outside the province. The playing field becomes even more uneven if this bill is proclaimed in its present form for the private sector which can meet the present needs of the GTA.

If the government is truly concerned with the export of waste and with responsible waste management practices, I suggest the minister address and streamline the approval process for the existing sites within the province by amendments to the EPA and the EAA establishing reasonable turnaround times in the process. The minister should reconsider making special exemptions to the EPA, EAA, OMB etc for some but not for others by addressing the process itself, as I have stated.

In part IV, the minister must clarify the meaning of section 22, "...for the purpose of the protection, conservation or management of the environment outside Ontario's borders." The private sector believes this is intended to restrict exporting of waste outside the province without evaluating the consequences of such action.

The provincial-municipal relationship is clearly defined, but the private sector involvement is not defined. Waste management companies have provided the bulk of the resources in the blue box, ICI and industrial waste materials recycling. The intent of the act appears to create a parallel municipally owned waste management system

competing with the private sector. Municipalities and taxpayers in this province cannot afford the associated costs.

Section 23 grants should be made available to the private sector which can deliver the waste management services required.

In section 29, changes should require separate or distinct sections in regulations for ICI and domestic wastes. Municipal sites and systems in most regions of this province do not allow the disposal of ICI-sourced waste materials. The ICI sector is serviced throughout the province by private waste management companies. The minister's intention and how it affects the private sector needs to be clarified.

How will this definition change existing certificates of approval in the private sector, which presently receives mixed ICI wastes but not domestic waste as it is presently defined in legislation? The initiatives paper falls short in addressing this critical issue, as well as the regulation itself.

1630

I am in full agreement with streamlining the approval process for genuine recycling operations in this province. However, by creating unlicensed facilities throughout the province it is unfair to the private sector, which holds certificates of approval, requires financial assurances, needs to train staff in accordance with regulation 309, provides storm management plans and contingency plans etc and is subject to strict enforcement by the Ministry of the Environment.

It has not been made clear in the bill who will enforce it. I attended the breakfast reception for Mr Drew Blackwell, the assistant deputy minister, in front of the Recycling Council of Ontario, and he clearly indicated that it would probably be the municipalities. I would like this committee to know quite clearly that this will result in uneven standards being applied across this province.

The proposals put the private waste management industry with the burden of financial and regulatory compliance, competing against non-regulated facilities, whether private or public in nature. This again is a double standard in our view. The private sector has learned, at considerable cost I might add, that if the front-end tipping fee does not cover your handling, transportation and processing costs and you do not have an end user to purchase the recyclable materials, recycling does not pay.

In my travels with the company I have been to many states and provinces where blue box materials that are segregated and have no use end up in landfills anyway. This committee heard yesterday from the region of Durham that a ratio of 10 to 1 exists in the cost to recycle versus the revenues generated from the sale of material. Waste management companies have been cognizant of this fact for years.

Bill 143 requires considerable amendment before municipalities, the private sector, and the citizens of this province find the legislation acceptable, fair and evenhanded for all sectors of our society. I only hope that my presentation will assist you, Madam Chair and the members of this committee, to evaluate the very real and serious concerns that all sectors have with the proposed legislation.

Ms Haeck: I would like again to thank the deputant for coming to our hearings. I would also like to refer to ministry staff, through the PA, for clarification regarding the proposed powers, because I believe, in looking at page 4, section 8, there is a fair bit of notice given etc. I know that for many years customs officials, at least from the federal sector, have had very wide-ranging powers of access through someone's home without warrants etc. So I was wondering if they could expand on exactly what Mr Pingue has raised here.

Mr O'Connor: To answer this I would ask Jim Jackson if he or Leo would come forward. Say your name for the purpose of Hansard.

Mr FitzPatrick: Leo FitzPatrick. I am a lawyer with the legal services branch, Ministry of the Environment.

Indeed there are concerns, charter concerns and equity concerns, with powers of entry and even more so concerning entry that goes on to search and seizure, which I think is the sort of power you were concerned with, where customs officials and police are involved, particularly where it is with a view to finding evidence for prosecution or something like that. The concerns are less where it is a power of entry geared to an inspection, which is what we have in this bill. But there are still concerns and certainly you have heard the concerns expressed by various people at the hearings here.

I am not an expert in that area of the law. I could not go into it for you step by step, except to say that we have recognized those concerns, as has the Attorney General. The Attorney General has a project under way looking at powers of entry and various provincial statutes with a view to ensuring that they do accord with the Charter of Rights or are changed to do so. They have had input into the drafting of the powers of entry provisions in this bill and they are satisfied. As was pointed out before, we will have a background paper available. It is being copied now, I believe, and with any luck it will be available to you tomorrow.

Mr McClelland: I find it interesting, Tony, that it is sufficient now to be satisfied simply that it meets with the letter or perhaps strict interpretation of the law, rather than to look at some basic principles. I commented yesterday that "The government of the day has principles and if you do not like them we will have other principles, and depending on where you live in the province we will have other principles too, and if you're the private sector we will apply yet another set of principles." That seems to be part of what you are saying.

I read on the weekend an interesting article. It said that one senior bureaucrat described cabinet ministers and political staff as being ideologically blinkered. There is a predetermined position, so that there is not the same degree of exchange and analysis going on, and I think that what we have here in your submission is a recognition of that. There is an ideological mindset here that says, "We'll tell you that we want the private sector," but when some very, very plain deficiencies in terms of Bill 143 are brought to the table and discussed, the issue becomes one of niceties of the law in terms of power of entry, rather than looking at the legitimate concerns that business has.

We have heard from many people in the private sector that they do not feel comfortable with Bill 143, that there are no assurances. I do not know how I can try to get the message over again.

On page 5 you have said that the minister has eliminated free enterprise opportunities regardless of the cost to taxpayers. I am telling you now that, as far as I understand, my colleagues opposite just do not believe that. It does not matter whether the facts are presented, it does not matter whether there is an analysis presented, they do not want to believe it because they do not want to believe it. That is the rationale.

I wonder if you could help us a little bit more and maybe somehow try to get beyond this ideological mindset of these predetermined positions that I read about in the Toronto Star on the weekend. How are we going to do that? How can you, sir, as a representative of the private sector, begin to impress upon the government of the day that the private sector has a legitimate role to play and you need to have some changes to make it viable?

Mr Pingue: We deal with some 400 to 500 clients in the Hamilton area, as well as in Toronto and various parts of this province. A lot of our clients have brought those very concerns. I am sort of the clearinghouse for the company. A lot of these concern: "Hey, how are these regulations going to affect me? What do they mean for me? How will that change the service that your company provides to my facility?" My response to them is normally that the mandatory segregation onsite is going to require them to rethink how they handle their materials, rather than us delivering them to our facilities commingled and doing the segregation for them and reselling whatever is recoverable out of the material and disposing of the residuals to one of our landfills.

I am really a little bit confused when it comes to answering them because I really do not know what direction this bill is taking. As I have clearly stated, I believe they are speaking out of both sides of their mouths on this bill, that it is meant to help a situation, whereas there are private sector companies out there, Mr McClelland, as you are well aware. I think some of them who can provide a lot of the services have already made presentations before this committee.

The province is saying here that we have an emergency, we have to respond. Municipalities take 10 years to get through an environmental process and, as I have covered in my paper, that is because the process itself will change it. If it ain't broke, don't fix it, but if it is, fix it. That is the message that I would like to give this committee.

Mr McClelland: And in the process, trying to dance from crisis to crisis to crisis.

The Vice-Chair: Thank you, Mr Pingue, for your presentation.

1640

RIVERGROVE DEVELOPMENT CORP

The Chair: Our next group is Rivergrove Development Corp. If you would come to the microphone, please identify yourselves for the purpose of Hansard. We would

appreciate some time towards the end for questioning by committee members.

Ms Ryan: My name is Julia Ryan. I am solicitor for Rivergrove Development Corp Ltd. I have with me Mr Stephen Goldhar, a principal of the company, and Mr Ronald Starr, director of development. We would like to thank the committee for the opportunity to appear.

The purpose of our submission today is to address the issue of compensation under section 19 of Bill 143, and to ask that the principle of compensation to affected land owners be reinstated in the bill. We have had distributed a copy of a map showing the location of our property, and we will be delivering to the committee something in writing setting out our position as we express it here today.

Rivergrove Development Corp is the owner of a 150-acre parcel of land to the south and the west of the Britannia landfill site, and if you look at the map we have provided you with, the lands coloured in yellow and also extending west to Creditview Road belong to Rivergrove. The landfill site is marked on the plan as the existing sanitary landfill site. The west and southerly boundaries of the site are immediately adjacent to the Rivergrove lands.

Rivergrove obtained draft approval for a residential plan of subdivision in 1988 to permit the development of more than 1,200 residential units. However, final approval and the development of the lands has now been prevented by the decision to put an additional lift on Britannia and to extend the life of the site for several more years. The lands are within 500 metres of the landfill site and as a result are subject to a development freeze, and have been since March 27, 1991.

If you look at the map you will see the 500-metre limit is marked in the green line showing the 500-metre limit from the site, and the lands coloured in yellow are all the lands frozen from development. It represents more than 75% of the units in the plan. It has been frozen, as I have indicated, since March 27, 1991, when the minister first really undertook the consideration of extending a lift on Britannia, and at that point instructed the Minister of Municipal Affairs to withdraw from the region of Peel the power to approve plans of subdivision around the Britannia landfill site. When we applied for final approval of the plan, we were unable to get it on the basis of the freeze.

Section 19 in the bill confirms that parties whose lands are adversely affected as a result of the extension to the landfill site can claim damages for market value reduction and for business losses, and we were pleased to see this principle in Bill 143 when it was introduced. My client was dismayed by the minister's withdrawal of support for section 19 at the outset of these hearings. We are here today to urge the reinstatement of the principle of compensation into Bill 143.

I would like to spend a few moments on the history of the development of this site so that you will appreciate the difficulties that are faced by Rivergrove if the principle of compensation is not ensured.

Rivergrove bought these lands in the mid-1980s. At the time they bought them, they were relying on the fact that the landfill site had a limited life. That limited life was expressed both in the zoning bylaw for the city of

Mississauga and in an agreement between the city of Mississauga and the region of Peel. It was expected that the landfill site would be closed by now and that a golf course would be the long-term use of the site.

In reliance upon that fact, Rivergrove applied for approval of a plan of subdivision in 1987 so that the final approval would dovetail with the closure of the site. The plan was circulated to government agencies, and it was cleared by all of them. The Ministry of the Environment's only condition of approval related to noise abatement. In fact, the Ministry of the Environment, after discussions with the region of Peel and the city, agreed that all the lands could be released for development except a few lots that were within 500 metres of the working face of the site. Those that were intended to be frozen originally are hatched in red on the plan. As you can see, there are very few of them in comparison to the entire plan.

Accordingly in 1988, the plan received draft approval, subject to the freezing of those few lots and to the standard conditions of approval that any developer faces. Rivergrove immediately commenced the process of fulfilling the conditions of approval, at substantial cost, and during that time received several approvals from the Ministry of the Environment which included, in late 1988, a certificate for the installation of the water and the sewer. In 1990 the Ministry of the Environment cleared the noise condition and in the fall of 1990 the Ministry of the Environment advised that the landfill site did not adversely affect the plan and that it would clear the plan for final approval as soon as the standard servicing and financial agreements were entered into with the city and the region.

My client's position is that, in effect, the Ministry of the Environment held out that the plan could proceed as scheduled. There was never a hint that this landfill site would not be closed in due course or that a great portion of this site would be frozen for some indefinite period.

By early March 1991 the conditions of approval were all fulfilled, and on March 27, 1991, when the power to give final approval to the plan was withdrawn from the region of Peel, Rivergrove was within three or four days of registering this plan. When we learned of the withdrawal of the approval, we approached the Ministry of Municipal Affairs to secure final approval and register the plan and were advised that the lands were frozen and would be frozen until such time as this matter was resolved.

By the time this happened Rivergrove had partly pre-serviced the land. Letters of credit had been deposited to secure the cost of construction, all the levies had been posted with the region and the city, engineering drawings were completed and the contracts for construction were tendered. Downstream servicing connections were under way. Agreements of purchase and sale had been entered into for 190 homes to allow a subsidized non-profit housing project which had received a provincial allocation to proceed. Another 215 small single lots were subject to agreements of purchase and sale. It was expected that construction would commence last summer. It would have resulted in an injection into the economy of \$100 million, together with thousands of person-years of employment, all of which have now been delayed indefinitely.

Throughout the ministry held out that the lands would be developed, and Rivergrove, in reliance upon the approvals it had obtained from the government, proceeded to do the normal things that a developer would do to develop the lands.

Rivergrove's out-of-pocket developments costs and carrying charges on the frozen area today approach \$18 million. If you add in the land cost, the total exceeds \$30 million. In addition, since the lands were frozen another \$3.5 million has been spent to try to proceed with at least some part of the area outside of the freeze. If you look at the lands on the west side of the plan, those lands are not shown lotted because on the northwest there is a school and a park. There is a block just immediately to the north of Bristol Road which is the affordable housing subsidized project. Our client did work with the Ministry of the Environment officials to get that part of the site released. We are grateful for the cooperation we got in that regard, and that was able to proceed, but as I say, those additional costs amounted to \$3.5 million.

As a result of the freeze, Rivergrove is in default on its financial obligations and the project is close to bankruptcy. As you can see, the last-minute decision to put a lift on Britannia has had a severe negative economic impact on Rivergrove. In our submission, it would be unfair if Rivergrove's common law right to adequate compensation is not appropriately confirmed in Bill 143. We ask for a reinstatement of the principle of compensation as expressed in section 19.

We would be glad to answer any questions.

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Mr McClelland: To whom, in your opinion, should the potential liability for economic hardship extend as a result of the decisions made?

Ms Ryan: We are prepared and intend to seek it from whatever facet of government we can obtain it from. If necessary, we will seek it from the provincial government, the region of Peel and the city of Mississauga.

Mr McClelland: I will doubtless be accused of being sensational, but quite frankly, the description you have given about what took place in terms of the reliance on undertakings and promises made is something that you would think you would hear of in a place like Romania about 20 or 30 years ago. I do not think it is overstating the case to say it is exactly that kind of mentality that says we are going to promise things all along and walk in at the last minute and take things away from people without any due regard to their rights. I think you have every right to look to the province of Ontario, in this case specifically the Minister of the Environment and the Ministry of the Environment, for compensation for what you and the people who have put good faith and deposits on the line to buy their homes have lost as a result of the decisions that were made.

What, if any, response have you received to the overtures you have made to the Ministry of the Environment subsequent to the initial decision being made public? What, if any, hints or indications were you given? Did they maintain throughout that things were proceeding on track?

Did the order come out of nowhere, so to speak? You were relying on undertakings and information given to you.

Ms Ryan: The fact that the power to give final approval to the plan was withdrawn from the region of Peel within days of our registering did come out of the blue to Rivergrove. To be fair, since that time we have had meetings with staff of the Ministry of the Environment and they have attempted to be as cooperative as they could in the circumstances. They did work with us to get the release of that part of the land outside the 500-metre buffer zone. These things never proceed as quickly as a private land owner would like, but having said that, none the less they did work with us.

We have had discussions with them as to what, if any, further things can be done to assist us, but at this point we do not have the kind of resolution of any of the issues that gives us comfort that we will be back in the financial position we would have been in but for this having occurred.

Mr McClelland: Had Peel been allowed to proceed with the plans it had in place or, alternatively, had the minister in October 1990, when she asserted time and time again that there was no garbage grab and no looming crisis, taken action at that time, to what extent would some action and some forthright admission of a problem in 1990, rather than a denial by the Minister of the Environment that a problem existed, have had on mitigating the damages and the resultant harm you and your client have suffered?

Ms Ryan: I do not know that we are here to get into a dispute over whether the extension to the landfill site was the right thing to do. Obviously if the landfill site were not extended, we would have been registered and Rivergrove would have developed a number of lots last summer and we would be in a position where housing, particularly our small lots, which are in the affordable category and marketable today, would have been coming on stream to ease the crisis. That would have been of assistance to us and we would have been able to proceed had it not been determined that another lift was going to be put on Britannia.

If another lift is going to go on Britannia, in particular given the last-minute nature of this decision in so far as Rivergrove was concerned and the process that it was under and the fact that this was not something that had been foreseen for some long period of time where it could have, if possible, taken any alternative steps, then there has to be some assurance that appropriate compensation will be paid.

Mrs Marland: Ms Ryan, virtually what you have told us today is that you did receive final approval in the late 1980s for this plan of subdivision from the provincial Ministry of the Environment, subject only to the final financial agreements with the municipality?

Ms Ryan: In effect, that is correct.

Mrs Marland: I think that is the really significant part about your particular lands. I think it is also true, is it not, that your lands were the only lands in that final stages of approval at the time the freeze was made?

Ms Ryan: Yes.

Mrs Marland: Would you be willing to continue with your plan of subdivision registration and the subsequent development and sale of these lots with waivers written on the titles, if you could get permission to do that, even if the landfill site continues to operate?

Ms Ryan: Yes. It would depend on the wording. When you are talking about waivers, obviously these things have to be negotiated, but in principle yes, we are anxious to develop.

Mrs Marland: So what you are saying here is, "Please give us the permission to proceed with the plan, which was already approved at this level of government, and we will not be fighting you on the activity at the landfill site." It is possible that you could reach an agreement with the provincial government where, if the use of the landfill site did have to continue, you would be willing to enter into some kind of wording that identified that use and against which there would be no claim by the future purchasers of those lots. You could, in some wording, protect the provincial government or the municipalities from complaint by those new home owners because they would buy with the understanding that this was something you had no control over and neither did they and they would have no future claim. In other words, you could stay in business.

Ms Ryan: We could stay in business and we could agree to appropriate warning clauses on title, and hopefully that would forestall people who bought property making a claim. We want to proceed. Even if we are entitled to proceed, that does not totally answer the issue of whether we have still suffered damages over and above what would have happened to us had we been able to proceed on time.

Mrs Marland: You have suffered damage in any case because of the delay.

Ms Ryan: That is correct.

Mrs Marland: You are going to get into business that much later, so if there is a common law right to compensation, you will be entitled to that and it can be resolved down the road. But right now, to stave off the bankruptcy and the headlong disaster you are headed into, it could be resolved if the government would give you that permission to go ahead today with whatever necessary protection clauses had to be drafted.

Ms Ryan: There is no question that we are prepared and ready to proceed. We want to proceed and we would like to get our lands released for development.

Mrs Mathysen: Peel region has requested the deletion of section 19 in the bill because it feels that compensation is covered by existing legislation and policy. The minister has agreed in principle to phase in release of land around the Britannia landfill site. Under these conditions, do you feel the issue of compensation will be addressed and that development will be able to go ahead gradually?

Ms Ryan: I think it is still an open question. There are perhaps provisions in the Expropriations Act that deal with issues of compensation in situations like this. The clarity that was imported into section 19 certainly helped to clar-

ify and make the claim more certain. There are some niceties in the Expropriations Act that lawyers can get into arguing about, and if the region of Peel or anybody else who was sued wanted to play those kinds of games, I think they could put an awful lot of pressure on a private land owner and have a lot of leverage over its ability to proceed with and the extent to which it could proceed with its claim.

If you are asking if I have any assurances that the lands will be able to proceed, I think there is a willingness on the part of Ministry of the Environment officials to look at that. But time is passing, and for Rivergrove time is money. We have already been delayed now for a year. There are certain studies being undertaken at Britannia. While I do feel the officials are willing to look at it, it is not altogether clear to me when we could look forward to being released.

The Chair: Thank you very much for your presentation. If there is additional information that you think would be helpful to the committee, please feel free to communicate with us in writing.

I would like to call the next deputation. Mrs Marland, do you want to put a question on the record?

Mrs Marland: My question for the record would be to the ministry. Would they be willing to allow Rivergrove Development Corp to proceed with the the registration of their plan and the subsequent development of their lands if the ministry was protected by waiver agreements or similar wording that there would not be complaints about the ongoing active use of the Britannia landfill site adjacent to the lots that are subsequently purchased by future land owners?

The Chair: Thank you, Mrs Marland, and thank you for your presentation.

1700

CITY OF TORONTO

The Chair: I would like to call next the last presentation for today, the city of Toronto. I would ask that the delegation be seated in front of the microphones. We would appreciate if you would introduce yourselves at the start of your presentation. You have 20 minutes. We ask also that you leave some time for questions, but as you have noted from other presentations, if there is not time to get all the questions answered you can submit in writing the answers to the questions if you wish. Welcome.

Mr Vardin: Thank you, Madam Chair and members of your committee. My name is Nick Vardin. I am the commissioner of public works and the environment for the city of Toronto. With me are Dr Roger Higgin, deputy of environmental services, and Mr Peter Gerkis, director of material management and sanitation.

My colleagues and I welcome the opportunity to appear before your committee and express the city's concerns. It was only last Friday that city council authorized me to appear before your committee in order to present the city's views of the proposals contained in Bill 143 and to indicate to you its concerns about both the process and content of Bill 143. I have tabled a number of copies of the brief.

This comprises the city's complete submission to you on Bill 143. In the 10 minutes or so that I have, I intend to highlight certain aspects of the submission.

Specifically, I will set out some of the background to the city's concerns about provincial policy and legislation in the area of waste management for the GTA. I will then proceed to review the city's major concerns about part IV of Bill 143, which will amend certain provisions of the EPA and lead to increased provincial regulation of municipal waste management practices and procedures.

In regard to the city's position on provincial policy for waste management in the area, in a report of August 5, 1991 to city council, I recommended three guiding principles which express a position on evolving provincial policy for waste management in the GTA:

1. Support for the establishment of a GTA waste management authority to plan and coordinate area-wide waste management plans for the future, including (a) search for and startup of new landfill sites; and (b) establishment of locations for material recovery and processing facilities and development of markets for recovering materials.

2. Waste management options should not be excluded nor solutions dictated at the outset of the planning process by the minister. Such exclusions or solutions should be a result of the planning process, including the environmental assessment of the GTA waste management plans. Specifically, (a) the export alternative should not arbitrarily be excluded; and (b) the "three landfills by region" solutions, Halton being excluded, should not be dictated by the minister but should be a result of the planning and environmental assessment process.

3. The city of Toronto will aggressively implement 3R programs within its jurisdiction, and it objects to any move by either the province or Metro to enact legislation to remove its authority to continue to act in this area and to meet the responsibilities that the city has to the citizens of the city of Toronto.

The brief deals with our concerns and presents our recommendations regarding parts I, II and III of Bill 143 in light of the first two of these principles. However, in the time available I will focus on the third of these principles as it pertains to part IV of the bill.

The concerns that I have regarding part IV of the bill are noted in the brief, which points out that the city of Toronto, through my department, has instituted aggressive 3R programs in its jurisdiction and has several unique aspects to its waste management system. The city of Toronto's major concerns relate to part IV of Bill 143, "Amendments to the Environmental Protection Act," because they will have the most direct impact on the city's operations.

Although introduced by the minister responsible for the GTA as part of Bill 143, the changes are to facilitate the ministry's policies for waste reduction across the province. The proposed amendments to the EPA will give the minister and the Ministry of the Environment effective control and approval of municipal and private waste management systems, practices, procedures and finances.

The city notes that the amendments providing for delegation of powers to the director as well as those related to emergency powers to other municipalities to assess waste

management needs and prepare plans are being withdrawn. However, the remaining powers provided to the minister as a result of amendments to the regulation-making powers in section 136 of the EPA are quite unprecedented. If passed into law, this amendment will give the province the power to regulate in detail the waste management planning practices and procedures both of municipalities and the private sector and the financial arrangements for municipal waste systems.

The city of Toronto notes with particular concern draft regulations contained in the waste reduction office initiatives paper, entitled *Regulatory Measures to Achieve Ontario's Waste Reduction Targets*. Although not directly part of the matters before the standing committee, it is important to understand both the level of intrusion and control and the impact of these draft regulations on all waste generators and on municipalities and private waste management companies.

The city considers that the draft regulations in the initiatives paper are an attempt to set universal methods and practices for material management in the province rather than allow a more flexible, target-driven approach. The measures will seriously intrude into the jurisdiction of local municipalities and dictate the operations of private waste management companies. The city is also concerned that the expected ministerial paper on municipal waste management responsibilities be publicly reviewed and its implications for municipalities clearly understood before changes to the EPA are enacted.

The consultation between the province and the municipal sector on waste management issues often occurs only with the area municipalities, the regional areas, and excludes the local municipalities. The changes contemplated in part IV of Bill 143 and the regulations will have a major impact on local municipalities, such as the city of Toronto, which are in the front line in regard to garbage collection and the implementation of 3R programs. Dictation without consultation is not appropriate, in my view.

Madam Chair and members of the committee, I am sure you are aware of the recent agreement between the city of Toronto and the Toronto harbour commissioners over the purchase of some 265 acres of port industrial lands for industrial development purposes under the auspices of the Toronto Economic Development Corp. This plan is in accord with the recommendations of the David Crombie commission, the Royal Commission on the Future of the Toronto Waterfront, for a land development thrust for the port area.

Part of TEDCO's plans are to focus on establishing environmentally appropriate industries in a revitalized port industrial area. The city is concerned that the provisions of part IV of Bill 143 and the yet-to-be-revealed regulations governing municipal and private sector waste management plans and practices could significantly affect TEDCO's ability to attract environmentally appropriate industries, such as recycling plants. This type of facility is high on TEDCO's list of private companies it hopes will locate in the port area because of the proximity to recycled materials and ready access to transportation to the Canadian and US recycling markets.

More specifically, the changes contemplated in part IV of Bill 143 and the draft regulations could affect the type and location of material recovery facilities in the province. As a minimum they would lengthen the approvals process for these facilities, and at worst cause the private sector to leave the field to the public sector. Certainly we would like to see much more consultation between the ministry, TEDCO and the recycling industries before part IV of Bill 143 is passed into law.

1710

The city of Toronto's recommendation is that the amendments to the Environmental Protection Act set out in part IV should be excluded from the bill and considered later in concert with a complete draft of the ministry's waste management regulations. This should be the subject of extensive consultation with regard both to the content of and the appropriate administrative structure for the new provincial waste management regulations.

Finally, my recommendation is that the proposed amendments to the Environmental Protection Act contained in part IV of Bill 143 be deferred and considered along with draft waste management regulations proposed by the Minister of the Environment following a public consultation process.

Mr Cousens: One of the first things you said was that you joined a large number of people who have great concerns about this bill. I am delighted that we have been able at least to get the chance to debate it because, had the government had its way, it would have been passed on December 19. It was only presented on October 24 and it meant that a local government would not have had the chance to respond to it. In your early comments you indicated that council only had a chance to review it last week, or that it only approved your coming.

Mr Vardin: I cannot on my own come and appear before your committee without council authorizing what message council wants to send to Queen's Park. What that means is that I had to review the proposed legislation. Given the timetable that Mr Cousens mentioned and given the municipal elections in place, by the time I had the opportunity to review, the first opportunity I had to go to the executive committee with my report was on January 3. By the time the material was made available and it reached my office to review it and put a deposition together, the first possible opportunity to go to the administration of the city of Toronto was January 3. It went to council on January 13. That was Monday. They only authorized me at that time to appear before your committee, but they did not decide what kind of message I ought to bring until Friday the 17th.

Mr Cousens: Under the circumstances I think you have done an exceedingly excellent job, and I apologize for the way in which this has been done. I think it is really a shame. It has been such a tight schedule. We knew it would be. We are delighted that you have at least had a chance to put it on the table. Had it gone the way of the plans of the minister, Mrs Grier, you would not even have been able to make a presentation, which would have been a shame, with the comments you are making. I just want to

say thank you and I apologize for what is going on in this House.

Mr Lessard: I was a little bit surprised by your comments about the initiatives paper, because we have heard compliments from a lot of people who have made presentations before this committee so far. That is something that was released in October of last year that has involved extensive consultations, which have been extended until this month. I also understand that the city of Toronto was involved in that consultation process. It is my understanding that the regulation enabling provisions in part IV are to implement the initiatives in that paper and I am wondering now why you are saying you think we need to have an additional consultation period with respect to those.

Mr Vardin: The city of Toronto was not consulted prior to the release of the initiatives paper. I was not involved, and my deputy tells me he was not consulted.

Mr Lessard: I am talking about since it has been released.

Mr Vardin: Yes, since it has been released we have looked at the initiatives and also at Bill 143 that came shortly after. I applaud the government's efforts to deal with the waste management issues and waste management crisis. What concerns me are the regulations that will flow out of Bill 143, specifically the amendments to the EPA and the regulations that are not available to me at the moment in order to determine what the impact of those regulations, as they will be interpreted by the ministry staff, will be. I can only speculate. What I am saying is that unless the government gives us an opportunity to review and understand what those regulations might be—I am not suggesting they may be bad regulations. All I want to know is what they are going to be and how they are going to impact my operation.

You have to remember that I am the one who picks up the bag of garbage on the curb and the blue box, and the day I miss it or the day I am a little behind schedule for whatever reason and the garbage does not get picked up, my phone rings off the hook. I want to know what that means to my ability to continue the high level of service to the citizens of Toronto. I want to know what the impact will be on my recycling programs.

The city of Toronto has been the leader in that area going back to 1988, and I have expanded and accelerated recycling programs throughout the residential sector, including high-rise apartments. I have also incorporated commercial establishments and retail stores and am trying to make private arrangements with such places as the LCBO in order to deal with the issue of glass, most of which ends up in landfill sites. We have an operation in place; we have the commingled system of operation. I do not know what the regulations might mean. If I have to go to a different type of operation with different compartments, that could mean \$10 or \$12 million for my operation for the equipment alone. I want to know what it means. That is what I am asking.

The Chair: Thank you, Mr Vardin. I have known Mr Vardin for quite some time, before he was the works

commissioner and before he had quite so much grey hair. I think the two happened simultaneously.

Mr Vardin: Yes, and I remember you. I remember when you were in North York.

Mr McClelland: I appreciate your comments, sir. As I think Mr Cousens so well put it, it is good you are here, albeit under difficult circumstances. We appreciate it.

You are much too gracious and too diplomatic to say much about it, but I think you have had a sense of what "consultation" means with the current government, particularly the Ministry of the Environment. It seems it is: "We'll tell you what we're going to do. If you like it, terrific; we want to hear from you. If you don't, it's too bad because we're going to run it anyway." I would hope that through this process the government would begin to understand that there are people who are vitally concerned and that you are the one who puts, if you will, feet to the words. People such as yourself are the ones who have to make it work.

I think you should perhaps take some cold comfort in the fact that you are not alone. Regional chairmen and mayors of major municipalities have had the same problem with respect to Bill 143 in terms of lack of consultation. Indeed, Mr Cousens put it so well that but for the opposition, you would not even have this opportunity to raise your concerns.

With respect to part IV specifically, do you see that it would be worthwhile and useful if section 29 changes carved out distinctly the private sector regulations, the industrial, commercial and institutional and private sectors, that component, and set out a separate scheme for the public, ie, municipal regulations? Should the same set of rules apply? Should we have them addressed differently? How would you see the process of consultation with respect to part IV, either interacting with the private sector or happening separately with the public?

Mr Vardin: The fact of the matter is that about two thirds of the waste generated in this province is handled by the private sector. At least in the GTA and the city of Toronto, I handle—

1720

Mr McClelland: What would happen to you, sir, if the private sector were removed from the picture? What would happen to you and your commission?

Mr Vardin: If it were removed?

Mr McClelland: If it were removed.

Mr Vardin: That is what I am asking actually, for part IV to be removed from the bill.

Mr McClelland: What would happen if the private sector were removed from waste management? What would it mean to the city of Toronto?

Mr Vardin: I do not think I could handle the volume, because I would have to triple my resources overnight, not only in terms of equipment and personnel but in terms of yard facilities and maintenance facilities. At the moment I handle about 320,000 tonnes a year of waste and recycled material, so that would be in the order of about one million. I have in my fleet about 133 garbage packers, so if

you multiply that by three and you multiply the need for expanded facilities to store, to maintain the equipment and the personnel—my present operations are about \$30 million a year just for garbage. That would be up to about \$90 to \$100 million.

Mr McClelland: You have been promised a 1% increase across the board, so perhaps you could this year earn 2%.

Mr Vardin: No. Actually my own salary was referred to the 99%—

Mr McClelland: I meant the city's budget.

The Chair: Mrs Marland, you have the floor.

Mrs Marland: Mr Vardin, you certainly have come with a very loud and very clear message today from the city of Toronto, and when you say you are concerned about the impact of the regulations, that is exactly what we are concerned about. Unfortunately, the system is, as you know, that we do not get to debate regulations. We only get to debate legislation, and often the regulations are far worse than the legislation. So we certainly sympathize with and understand your concern.

I think where you say in your brief that "the measures will seriously intrude into the jurisdiction of local municipalities and dictate the operations of private waste management companies," that is so compact in that statement and it is so accurate. Having been a partner to the discussions before, where you now say that it is "dictation without consultation" and it is not appropriate, I do not think any words can describe the bill more accurately than that particular statement.

Was the city of Toronto also part of the Solid Waste Interim Steering Committee at one time, or was that Metro?

Mr Vardin: No, that was Metro.

Mrs Marland: It was only Metro. Did you, through Metro, have some input into the SWISC deliberations?

Mr Vardin: Yes, we did.

Mrs Marland: So you must feel great about that being totally thrown out the window and discarded too.

Mr Vardin: What a waste of time and energy and money.

Mrs Marland: Time, energy and money. That is the big criminal part of it, the waste of money.

Mr Martin: Just to follow up on the issue of consultation, on page 5 of your brief you recommend that the waste diversion estimate prepared by the ministry be subject to public consultation through an environmental assessment. That is exactly what will happen in the process outlined in this bill, and full debate will occur. I am wondering why you would think the estimate would not receive this scrutiny.

Mr Higgin: I can answer that, or attempt to. You indicate that the minister's estimates of the quantities and types of waste to be disposed of under the free landfill approach will be subject to review, consultation and technical debate. The indications that we have from the bill and from the ministry are that those estimates will be taken as a given into the environmental assessment process and that

the planning will proceed based on those estimates, post the other process, for example, under the solid waste environmental assessment plan, where those estimates have been the subject of extensive pre-consultation and preparation of the environmental assessment documents for SWEAP. They will be one of the key areas of examination, or would have been one of the key areas of examination of the question of the quantities and types of material to be disposed of.

The Chair: Thank you. Mr McClelland? No? Ms Haeck.

Ms Haeck: I just wanted to pose a question that has been sort of nagging me in light of the various municipalities that have come before us. If it is ultimately the Ministry of the Environment's responsibility to regulate, particularly in the case where there are environmental problems which would include waste, how do you see the municipalities fitting into that if it is really the Ministry of the Environment's responsibility to oversee that?

The Chair: I am going to thank you for the question and consider that as notice because of the lateness of the hour. I went overtime. It shows that the Chair is not perfect. I gave an extra five minutes; however—

Mr Cousens: We have known that for a while.

The Chair: The time, the extra five minutes, was divided equally among the caucuses, but the last question really has to be taken as notice. I want to thank you for your presentation.

Mr Vardin: May I say something?

The Chair: Yes, you may.

Mr Vardin: I would just like to leave your committee with one message for the government. The city of Toronto is the first municipality which is proposing mandatory recycling programs. We brought the report to city council and it went through last October. They are making recycling mandatory. The bylaw is to be brought forward to council early this year to mandate recycling in the city of Toronto. That is a first.

Ms Haeck: Including apartment buildings?

Mr Vardin: Including apartment buildings.

Ms Haeck: So I will not have to take mine.

The Chair: Thank you so much for your presentation. As I have said to other witnesses, if there is additional information that you think would be helpful, please feel free to communicate with us in writing over the course of our hearings.

Mr Cousens: I have a question having to do with committee work at this point. A number of questions have been raised over the last several days. I understand that ministry staff are keeping tabs of those questions and certain

people will be allocated in providing answers. I would like to know if it would be possible tomorrow to have a brief preliminary listing of those questions that have been tabled so we will be aware of what sort they are, and then if possible there can be a status as to the answers that are being provided.

The Chair: Thank you very much, Mr Cousens. I had a discussion with research staff following your question on that subject. I think it was yesterday or earlier today.

Mr Cousens: I think it was earlier today.

The Chair: That is correct. The ministry has been most cooperative in offering the list of questions to research and to committee. I do not know if it will be available for tomorrow, but I know that now that you have asked for it, they will do whatever they can to make that available for you.

Mr Cousens: It is a sense of responsibility and honour, because we might just be wasting everyone's time by asking questions if we are going to get the kind of answer Mr McClelland got today with regard to the freedom of information. So if they just say, "We are not going to answer," then we will have a sense of knowing where we are going.

The Chair: It might be helpful for everyone to note the committee's schedule. We sit all of this week and then are not sitting next week, but we are sitting the week after. So hopefully many of the questions that have been asked during last week and this week can be answered next week so that we will have those answers before the committee sits again. I think that is a reasonable request, and we will see if we can ask the ministry to have those responses to the questions asked by that time.

Mr Cousens: Further to that, it might be valuable for the communications subcommittee of this committee to just meet in case there is some difficulty in achieving the goal you just described.

The Chair: Why do we not ask tomorrow what the time line will be for the questions that have been asked during these two weeks? Hopefully there will not be a problem. I know that there are a number of ministry staff here and they seem most cooperative in serving the committee. I would like to suggest that we give them that opportunity to do that. Thank you, Mr Cousens.

I would like the committee to note that our first presentation scheduled for tomorrow at 10 am has cancelled. The committee will therefore commence officially at 10:20, but I would recommend that everyone be here for 10:15 tomorrow morning so we can start promptly at 10:20. Please note the change on your schedule.

The standing committee on social development stands adjourned until 10:15 tomorrow morning.

The committee adjourned at 1730.

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STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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McClelland, Carman (Brampton North/-Nord L) for Mrs Sullivan
Turnbull, David (York Mills PC) for Mr Stockwell

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Marland, Margaret (Mississauga South/-Sud PC)

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Legislative Assembly of Ontario

First Intercession, 35th Parliament

Official Report of Debates (Hansard)

Thursday 30 January 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le jeudi 30 janvier 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
Clerk: Lynn Mellor

Présidente : Elinor Caplan
Greffière : Lynn Mellor



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday 30 January 1992

The committee met at 1022 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

TERRY HOWES

The Chair: The standing committee on social development is now in session. I would like to welcome everyone this morning to our hearings on Bill 143.

I would like to welcome Terry Howes. I see you are at the podium. Please begin your presentation by introducing yourself. You have 20 minutes, and we would appreciate it if you would leave some time for questions from committee members. Please begin your presentation now.

Mr Howes: Good morning, ladies and gentlemen. My name is Terry Howes from the good city of Etobicoke. I have taken the time slot of my friend Mike DeMartigny, who is an unquestioned expert on the topic of waste disposal. Mike is building a couple of facilities in Europe and was called away on short notice, so he asked me to tell his story. I myself am not an expert and I cannot answer questions that you might have of a very technical nature, but I certainly am broadly aware of Mike's system.

We have available to us here in this province a proven, Canadian-developed technology capable of solving our garbage problem. Facilities utilizing this technology could be built long before the Keele Valley site is filled up. Furthermore, they could be self-financing, paid for by tipping fees and electric power revenue. No government subsidy should be required. Is that not refreshing?

The late New Brunswick engineer George C. Copeland worked on fluid bed reactor disposal technology for most of his working life. He was acknowledged as being the authority in the field and had over 200 patents to his credit. The company he founded has built over 70 of these facilities worldwide, including five in Canada, three of which are here in Ontario.

Solid waste under this technology is converted into heat, which can provide steam for electricity or be used for any industrial purpose. The residue, a dry ash, is negligible. There are no moving parts and maintenance is minimal. The system is smoke-free and odourless and exhaust gases are in compliance with all regulatory requirements.

I watched with great interest the presentation by Mr Olivier of Ogden Martin Systems Ltd yesterday, as I am sure you did, with his interesting slides and so on. Here is a picture of one of Ogden Martin's plants which you

would have found in his presentation yesterday. It has a great big smokestack attached to it. There is only one reason anybody would put a smokestack on anything, and that is because there is smoke. Smoke is unburned carbon, which is unburned fuel.

You have beside you a photocopy of a little picture of a Copeland facility, which the clerk was kind enough to make for you. It is not a very good photocopy, but you will see what a chimney looks like on a Copeland facility. It is just a little pipe with steam coming out of it. There is no smoke because it is so very efficient.

Systems in operation here in Ontario are in Thunder Bay, built in 1971; Thorold, a few miles from us, built in 1973, and Cornwall, built in 1975, all for wet wastes from paper mills.

Mr DeMartigny has asked me to invite you, if anybody can find the time or inclination for a little bus trip, over to Thorold to the Ontario Paper Co, where he would be delighted to show you the facility that has been operating since 1973. This no promoter's dream. This system works and it can be the answer to our problems. You can see for yourself.

I checked yesterday with the enforcement branch of the Ministry of the Environment. It turned up there are no complaints or outstanding work orders against any of these Ontario facilities which have been in operation for 15 to 20 years getting rid of wet wastes.

Others are in Europe, Japan, South America, Taiwan and throughout the USA. The system of most interest to this committee perhaps would be that in Duluth, Minnesota. It was built in 1978 and handles all the garbage and sewage sludge for this city of 90,000, and it was built by Copeland. The Duluth operating authority would be pleased to show visitors around its facility and tell of the city's experience with it, but amazing to say, no Canadian has ever asked. Can you believe it, with the problem we have? There is that facility, an hour away in a jet, and nobody has even bothered to look at it.

Copeland's company is represented here in Ontario by Mike DeMartigny. He has never been able to get any interest, much less encouragement, from the ministry concerning this system. We seem to have a closed mind. Must we in this province for ever be down in the dumps? We have the technology available to us to solve this problem. There is no question about it; it works. Why do we not use it?

Thank you, ladies and gentlemen. It would be a pleasure to answer any questions you have.

The Chair: Thank you very much. Mr McClelland, first question.

Mr McClelland: You indicated just at the conclusion of your comments that there seems to be a closed mind at the ministry of late.

Mr Howes: Yes, sir.

Mr McClelland: Let me tell you, sir, that the number of people who have been before this committee over the better part of this week and certainly last week, with few exceptions, have said that they are very concerned with Bill 143. What we have to contend with, unfortunately, is a bit of what I call and what other journalists have indicated is a bunker-type mentality.

People have come into this committee and they have said things like, "We agree with the principle of non-exportation of waste; we agree with the government's position on incineration," and that is entirely what the government members gravitate towards. Even within the context of people who agree with the general principle of the bill or the intent, the government people will gravitate towards that and not hear the criticisms that are being levied about the bill itself.

Yesterday we heard a very good presentation by an individual and the government wanted to ask questions about niceties of interpretation of the law in terms of civil rights. They do not want to talk about the content of Bill 143. So you have some great difficulty, sir—I think you recognize that up front—because what you are trying to deal with here is to convince a government that has said, "We don't want to talk about the substance; we don't want to talk about reality; we don't want to look at scientific data; we don't want to hear people who don't necessarily agree with us." For that, I share your frustration.

I know that you are here representing a friend, a colleague, and it is a great difficulty, but as a businessman, how do you feel about a government that says: "We don't even want to talk to you. We won't even give you the time of day"? It is not a matter of encouragement, but the courtesy and fairness of a reasonable hearing. It seems to me that is what you are asking for, an opportunity to put your case forward, and you are not even being granted that. Is that correct? Is that what I am hearing?

Mr Howes: That is true. It is a great big world out there and DeMartigny is busy with customers all over the world. He lives here; he is a citizen of this province. He loves it, but really, he has given up. What more can I say? These facilities are operating efficiently and they have been for 20-odd years right in this very province and throughout the world, and nobody will look at them or cares about them. There you are.

Mr McClelland: My fear is that a lot of other people are going to give up. Let me tell you what happened last week.

Mr Howes: What does one do?

Mr McClelland: I do not know what people do, except for the people around this province and the business community around this province to begin, I guess, en masse to phone and write to their local members, their NDP members, and to write to the Premier and to phone and write to the Minister of the Environment and tell them that it is time they begin to do what they said they would do, and that is to listen to people.

1030

I do not know, sir, what you do. You have come here in good faith to make a presentation. I do not want to discourage you, but I caution you to recognize that throughout the

hearings in the last week and a half or two weeks, the government members have consistently refused to listen to people who come here.

What they do is they pick a point here and say, "Well, yes, you agree with this because you don't like incineration." I use that as an example because it is sort of contrary to what you are saying. They will focus on that and not hear that the presenter says that basically the bill is flawed. Even the so-called interest groups that support the NDP government have come and said: "We don't like the bill. It's bad legislation." So what do they do? They focus it and kind of hunker down in the bunker and say, "Well, we're going to pick on those little things that you say you do like." So you are really up against something here.

The person who came in and really espoused the position that we are going to ban outright without even considering it was a brought-in, paid-for expert out of the United States. That is the kind of thing you are up against, and I share your frustration, sir. I do not know what to say other than to say to you to keep at it, be tenacious; for the people of Ontario, the business community in Ontario to keep telling this government that to say it is interested in listening to business is not good enough; it has to do it.

It is not, "We want to listen, but do not really tell us unless you agree with us." All I can tell you, Mr Howes, is thank you for being here. I hope you do not give up. I hope your associate, who is a proud Canadian and wants to be a part of this community, will continue the fight and will be, together with your colleagues, men and women who want to make a contribution and want to build this province, will not give up on this government. I can only tell you that we share your frustration and we hope some sanity will prevail.

Mr Howes: Perhaps one of the government members would like to ask me a question. I would like it very much.

The Chair: They are on the list next, actually. Mr Wiseman.

Mr Wiseman: I would like to begin by saying that the myth-maker from the Liberal Party is continuing to spew and to attempt to make myths again.

Mr Howes: How about you ask me a question? I only have 20 minutes.

Mr Wiseman: I will. I have a list of questions, but you have to understand that the accusation that people have been paid to come before the committee is categorically incorrect and not correct information, as are a lot of the things he has said. We have had Pollution Probe come before this committee and outline in clear terms why it opposes incineration and why it supports this bill for the diversion of waste. We have had Rural Action on Garbage and the Environment from southwestern Ontario say the same thing. So a lot of what he is saying is incorrect and I think that should be noted.

Now to get to why you are here, I do not know if you can answer these questions because—

Mr Howes: I will try, Mr Wiseman. I am here as a courtesy to a friend and as a concerned citizen. That is why I am here. Go ahead with your questions.

Mr Wiseman: The first question I have is the cost of building a facility. How much does it cost?

Mr Howes: I cannot answer that for you. There are so many variables. You are asking me, with all respect, "How long is a piece of string?" It could be this size or that size or anything in between. But they are economical. There are 70 of them operating throughout the world. They are there because they are cost-effective. The income from them can carry their debenture interest, and make a profit in instances, depending upon what the tipping fees are like. So what it would cost, which would be in the scores of millions, does not really matter all that much because the income from it will meet its debenture cost, plus a profit. There you are.

Mr Wiseman: Could you supply us with material that would indicate what it cost to build, say, the one in Duluth, Minnesota?

Mr Howes: Yes, easy. I would be glad to.

Mr Wiseman: And its running costs, what the tipping fees are for the facility to take the garbage? I also would like to see the analysis of the effluent that is—

Mr Howes: It is right there on your desk.

Mr Wiseman: I have this.

Mr Howes: No. You also have a little thing showing the smokestack, and at the bottom of it is the analysis.

Mr White: Unfortunately, it is a photocopy which is hard to read.

Mr Howes: We will get you a better one. Mr Wiseman, it meets all regulatory requirements throughout the world, including Japan. The Japanese, with all their shortcomings, are the people, so we are told, most concerned in the whole world about the question of pollution, because so many people live in such close quarters. This operation of his—several operations there in Japan, actually, meet every requirement of the Japanese government, so it will certainly meet ours. Mr Wiseman, the system works and it meets every single possible ecological requirement. There is no question about it. All you have to do is to phone the Ministry of the Environment, as I did yesterday, and ask. There are a couple of guys up there who deal with enforcement. They said they have never, ever had a problem with this one in Thunder Bay, Cornwall or Thorold. There is the answer for you. Ask them.

Mr Wiseman: What I am trying to get at, and perhaps you could supply the information, is from the point of view of recycle, reduce and reuse, how that would be compatible with a system like this and what this system needs to function. For example, it has a bacterial pool, so I am interested in what has to go into those pools in order for it to function. I am interested in knowing about the diversion. Can this kind of system work if you divert major portions of the waste stream, such as the waste from food terminals and from supermarkets that is clearly of the same compostable nature as leaves? Can it work if you divert all paper products? Can it work if you divert all materials such as leaves and so on?

Mr Howes: To answer that question for you, Mr Wiseman, I am going to tell you how it was that my pal DeMartigny, who is a great one to spot an opportunity,

came to be an expert on this unlikely subject. I think that will answer your question.

He was flying over the state of Texas in a private plane and he noticed two mountains. Can you believe it? He said: "There are no mountains in Texas. Fly over those things. I want to look at them." They turned out to be collection stations—they have a name for them in Texas—where they bring cattle from hundreds of miles and they feed them and ship them and that short of thing. I do not know what they call it, but they have dozens of them down there and they have been going for scores of years. Everybody knows what the rear end of a cow does. These mountains were mountains of cow dung. Do you believe it?

So Mike, who is a great visionary, said to himself: "My God, in India they burn that stuff. They make little patties of it and that's how they cook." He got hold of the power utility in Texas and said, "You're overlooking a major resource in this state. You've got a source of electricity for free." To make a long story short, they retained him. This is a true story. They retained him and they said, "Listen, DeMartigny, you might have a good thing there." They retained him and in a couple of years' work he determined—first of all he found Mr Copeland, the ultimate expert, a fellow Canuck, on this subject.

Anyway, they retained him but they warned him and said: "Listen, DeMartigny, there's one thing that will blow this deal. If those cowboys decide to sell that cow dung instead of giving it away, it will blow the deal," and that is what happened. Anyway, that is the true story of how DeMartigny got to be an expert on this subject. Yes, among other things, you can convert cow droppings. It can burn anything.

Mr Turnbull: I must admit that I am amused by the story. As my colleague here just suggested, we have heard more stories of cow dung from the other side of the floor over the last few days. My problem is that I do not impugn the motives of people who come here and say that they are against incineration. I am absolutely convinced they are saying it from the depth of their hearts and that they are concerned about this solution.

However, it appears to me that we have a government that is prepared to listen to people who, no matter how good their motives are, may have flawed information. The last bulk of the technical information suggests that we should at least consider the possibility of incineration. I am not running out and saying we should be incinerating, but it does occur to me that we need a group of experts studying this and studying the worldwide programs you have mentioned that are under way in Japan, for example.

1040

The great problem is that we have a government at the moment that has said that it is dedicated to consultation but it is not really. What it is is a whole propaganda machine which suggests that they listen and really they have meetings to get the electorate to think they are doing things and they are really not.

My question to you is, as a non-expert, how would you—

Mr Wiseman: Excuse me, I think that is a point of order, impugning motives on the part of the government.

The Chair: I will consider your point of order, but I do not believe that is a point of order. Mr Turnbull, it would be helpful if you would be careful not to impugn or even suggest that you are impugning motive.

Mr Wiseman: It is possible in this democratic process that the duly elected government, having the right to make choices after having listened to everybody, has the right to choose—

The Chair: It is not appropriate for you to make that speech at this time. I am going to have to deduct the time from the next presentation.

Mr Turnbull: I have to say that the last comment from Mr Wiseman, having—

Mr White: When we talk about speeches?

The Chair: You are out of order, Mr White.

Mr Turnbull: Having listened to some of the comments that are made by Mr Wiseman across the House floor on many issues, talking about impugning motives, this is truly somebody who lives in a glass house making that remark.

To return to my question—

Mr Wiseman: This line is totally unacceptable.

The Chair: I have asked Mr Turnbull not to, as I have sometimes said, tease the bears. This is his time. I would ask that you address Bill 143.

Mr Turnbull: A wise zookeeper.

How would you address the problem of the people who, from the bottom of their hearts, do not want incineration because they think it is bad? How can we persuade them at least to have an open mind? Can you comment on this?

Mr Howes: I really do not know the answer to that. I do not know what to do. The facilities are operating in this very province. They meet every single requirement. They can operate without costing the people of the province a dime and nobody cares. I do not know what to do and neither does DeMartigny, so he operates elsewhere in the world. I do not know what to do.

Mr Turnbull: In the last election the Conservative Party suggested a program called the Big Energy Saving Team program, which would encourage entrepreneurs in Ontario to develop environmental leading-edge technology we could sell so that not only would we be able to solve our environmental problems but we would be able to provide the funds to help these companies to export around the world. Could you comment on that?

Mr Howes: This particular technology was developed over a good many years by a Canadian from New Brunswick. It does not require any government funding at all.

The Chair: I thank you very much for appearing before the committee this morning. Mr Wiseman, you have a question for the record.

Mr Wiseman: Yes, in my questioning of you I asked for a list of the material your facility would need to burn. What I would like to know is, could you supply me with this list of materials, and will it burn materials that would be more properly recycled or reused?

The Chair: What that means is that our clerk will present you with a copy of the question Mr Wiseman has just asked. If you are able to respond in writing, we would appreciate that. If we could have it before February 14 it will become part of the public record, and if it is after February 14 it will be made available to all members of the committee for their deliberation.

We very much appreciate your coming this morning.

Mr Martin: On a point of order, Madam Chair: I want you to know that I come to these hearings every day at great sacrifice of other things—we all do—that we could be doing in our constituencies, because our constituencies are experiencing a very serious recession.

The Chair: What is your point of order?

Mr Martin: I will come to that.

The Chair: Well, we have a deputant waiting.

Mr Martin: We come here, particularly on the government side, with great seriousness about a bill that we think will have great impact on the future of the people we serve. I think the opposition in the last round has brought into some question the seriousness about this business by referring to the Chair as a zookeeper.

The Chair: That is not a point of order. I will review the Hansard.

Mr Martin: It certainly reflects on what we are doing here in a very serious way.

The Chair: I appreciate your point of view. Mr Martin, you are out of order. You do not have the floor. We have a presenter and I think we should hear from him at this time. I will review the Hansard, and if there was a legitimate point of order I will report back to the committee.

Mr Howes, thank you very much for appearing this morning.

TERRY GOODWIN

The Chair: I call the next presenter, Terry Goodwin. Would you come forward. You have the floor. Please speak into the microphone. You have 20 minutes for your presentation and we would appreciate if you would leave some time for questions.

Mr Goodwin: My name is Terry Goodwin. I reside at 122 Thornridge Drive in Thornhill, north of Steeles and west of Yonge Street. I am representing myself. I am fairly late to these particular proceedings and I would like to enlighten the committee about steak platters and bathtubs.

First of all, I would like to thank the particular members of the Legislature who made the considerable effort to make sure this bill did come before this sort of committee so that it is well studied. I am somewhat dismayed by the inferences that have been made that it is going to happen anyway. I think what has happened, or the suggestion, at least, is an abuse of the parliamentary process we have.

I think it is something all of us as citizens across not only the province but maybe the country as a whole really should be thinking about very carefully. I hope every member will go back and look at this process of bringing it through this way, because when we hear further noises, taking something to Ottawa and so on, we find out it is the

intention of this present government, as stated, that it wants to bring essentially the same system there. So there is no check; there is no balance.

Back to steak platters and bathtubs. I am obligated to one of my nephews who lives in the United States, is a consulting engineer and designs landfills. He is environmentally concerned. He said people usually do not like what his client or clients want to do. When I discussed this with him several years ago, he explained that taking a pit or quarry and filling it up with garbage is not the right way to go, primarily because of the hydrological processes that are involved there.

He said what is much better is to take a fairly level piece of ground and put down your pad on that, then build up your landfill on top of that and 16 years later it is all gone. Of course, on that pad you have to put your drainage and so on for the leachate. That is what I call the steak platter. He did not call it that. Opposed to that, I have to think of the quarry or the open pit as being the bathtub, because you have to keep the water out as well as the leachate in and then drain it away.

The problem he was having at that time was that people were saying to him: "What are you going to do with the runoff in a storm? What are you going to do with the leachate?" At that time he was saying that the lagoons that should be constructed should take care of a five-year storm. Five-year storm is a no-no here in this province. We talk about 25- or 100-year storm.

Again, what they are doing at Keele Valley right now is just putting it into the sanitary sewers. Eventually it ends up at Pickering. My understanding is that the resulting sludge is burned.

I am not entranced by the existing process there. I recognize that in continuing we will have other things wrong, so I would hope that people, and particularly the technicians working for the provincial ministry, would recognize that a steak platter is far preferable to a bathtub type of design.

You must recognize, however, that if you are going to use a steak platter, you are going to cut down some trees someplace and that some agricultural people may get upset that it is potentially usable land for agriculture. You have to make those tradeoffs before you start. I think that is proper for the ministries concerned to go after and sit down and argue among themselves so they know they have a fairly firm position on it.

1050

One last point: If we are going to use roads, the access should be primarily off either highways 401, 410, 400 or 404, and probably with unused or unopened road allowances at the present time. I think this business of hauling it through existing communities or potentially increasing it is very poor indeed.

I do not understand the minister's mandatory that she will not use rail. I have been in the transportation business for most of my life, and I recognize that the rail may not be interested in what are essentially terminal operations. I do not think it should be hauled to the ends of the earth, but I do believe that there may be one or two unused rail lines or lower-use rail lines that may help the access.

That is in essence what I have to say, steak platters versus bathtubs. I would be very ready to answer any questions. I have given the clerk copies of the Vaughan resolution, which I believe Mayor Jackson had the other day, so you have already seen that. I have also given the clerk copies of the letter that came out from the interim waste management group telling us that we could not do anything any more, which I am afraid is either patronizing or paternalistic or both. I cannot help but be very cynical about the whole process, but I would hope that every member of the Legislature would go back and think carefully about what is being done to the parliamentary process by following this. Thank you. I will answer questions.

The Chair: Thank you very much, Mr Goodwin. Mr Martin, you have the floor.

Mr Martin: I just wanted to thank you for coming forward and sharing particularly that part of your presentation which referred to Bill 143. I wanted to talk just for a few minutes about the process, because you brought it up at the beginning and the end of your comments. Certainly the process here is one we inherited that goes back in tradition a long way and one that we are quite committed to until that process is changed somehow. My experience in it to date, in the year and a half I have been around, is that it is a good one. We have gone out to the public on a number of occasions on various very important pieces of legislation, we have listened, and the actual legislation that resulted from that reflected very seriously that we listened and were sensitive to some of the concerns that were raised.

The other thing I think we need to keep in mind here that sometimes the opposition forgets is that we were elected on September 6, 1990, to govern this province. We were given a majority mandate. We inherited a number of challenges when we came here that we had no responsibility for creating. One of them is this one. We have come forth with what we think is a very sound package that will not only take care of the immediate crises but launch us into the future in a very positive, creative, proactive way.

I am wondering if you have any suggestions as to a different process that we might consider in light of some of your comments re this process here.

Mr Goodwin: I do not want to get into constitutional matters now. I would agree that this system was in effect prior to the present government being here, but my concern is that the government apparently intended to put this thing through without this public discussion we are getting here right now. That may be an ability to do things, but to go and to try and do it I say is objectionable and is a reflection on the parliamentary form of government.

Mr Martin: If I might, it may be objectionable to you to do that sort of thing, but it has been done before and I suggest to you it will be done again by not only this government but other governments until we change the process, but that is the process we have to work with. We had what we considered a very grave crisis on our hands and we tried to deal with it in this way. You obviously have some criticism of that, as others will. However, there are those out there who have come before us here who actually do

agree with us, in spite of what you will hear from the opposition in the question that will come now.

Mr Turnbull: The points you raise are most important. The fact that we had a process for public consultation which was established by the Conservative government and strengthened over the years by it and was followed by the succeeding Liberal government—to find the whole process completely undermined by the minister taking virtually dictatorial powers is something which surprised me, frankly, because I had always felt that Ruth Grier, the minister, was at least truly dedicated to the environment and dedicated to the public process. But the suggestion you have just heard from the government side that it has a crisis I think ignores the fact that the minister had 18 months in office without doing anything and in fact killed all the interim sites which had been developed under the previous government. We were told that they needed the legislation through within a matter of about five or six weeks, without any public consultation. In fact it was the opposition which forced, as you correctly stated, these public hearings.

I would like to get you to comment on the question of going from, on the one hand, an almost endless environmental process, where it seemed we could never reach a resolution, to the present situation where we see the minister take dictatorial powers and does not allow any public input for the extension of these sites. Could you comment on that, Mr Goodwin?

Mr Goodwin: I cannot help but agree with your comments about the method actually being used here. I think it is entirely out of place and the matter should have been tackled a lot sooner. I believe that maybe even some of the proposals of the previous deputation become very acceptable, although I can understand that the minister was under some constraint on accepting those because she went up to Windsor to talk about the—may I call it the outhouse across the river? It was a very poor way for them to do things up there, but I think we have the technology here in Ontario to do things properly.

I do not know how this province can get out of the hole that has been dug over the past years as far as waste disposal is concerned. I have suggested one thing. If you have to go and make a landfill, make it a steak platter instead of a bathtub. I think if you do that and then do your access on overlays, you may find out you have 10 or 15 sites that will probably not affect people all that much. If you use your recycling and everything else first, you are going to cut it down.

I was rather disturbed to read in the paper this morning that the mayor of the municipality immediately south of Vaughan was saying: "Do away with the blue box. It costs too much money." Some of these things will cost money.

Mr McClelland: Thank you, Mr Goodwin. We are told by our friends opposite that they could anticipate some criticism, and well they should anticipate that criticism—precisely what you talked about.

I want to reinforce for you, sir, and for those who are observing these proceedings that in fact it was the wish of this government to have this legislation, which was

introduced during the municipal elections, passed prior to December 17, with no public consultation of any kind. Furthermore, in trying to arrive at some concession, if you will, in terms of allowing public hearings, the government maintained the position that it would only do so on the understanding that when this went back to the House it would be limited very significantly. So really the only opportunity to make your points and to put forward your criticism—constructive criticism, in some cases, and legitimate concerns—is through this committee, which was given extremely reluctantly by the government. Having done that, they are now going to take this back to the Legislative Assembly and say, "You're just going to ram this through and that's the way it's going to be."

Giving consideration to what you said, sir, in terms of a government that, yes, inherited a process in terms of committee work and also inherited a legal framework that has been fought for for many years in terms of environmental protection across this province, has chosen to disregard that process as well, which looks upon coming to this committee process as a bit of a sacrifice rather than a fulfilment of responsibilities, I find it absolutely outrageous that a member would come here and say it is a sacrifice to be here when it is a responsibility to be here, to do what he is being paid for.

I want to know if the parliamentary assistant—and you might want to respond to that—will say it is still the intention of this government to take this legislation back to the House and ram it through in three days upon return of the House in the spring. That is the stated intention of the government. Mark my words well, if the government calls this piece of legislation in the House, if it does not see the folly of its ways, withdraw it and start afresh, as it ought to do, I guarantee it will ram it through in less than three days.

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Mr Goodwin: I think it is appropriate to quote the oft-stated comment of Winston Churchill that democracy is the worst form of government except for all the others. I just hope we do not abuse what we have. I agree with Mr McClelland that this comes awfully close to it. Maybe not this time, but if this whole process is allowed to go this way, we have lost something that is very dear to us, and some time in the future it will be used by others.

I am a new Canadian, but I also have many people in our municipality who are new Canadians. Some of them come from Italy. I was discussing this with one of them, a member of council, just two days ago. He pointed out that Mussolini did come to power through the democratic process but he abused it.

I do not think we should abuse the democratic process, particularly the parliamentary system, without giving it great thought. I hope every member of the Legislature will go home and think about that carefully, not just for political reasons. Somebody who was scriptwriting for Reagan a few years back said, "Sometimes politics gets in the way." I hope everyone will go back home and think very carefully about what is happening.

Mr Wiseman: I would like to thank you for your presentation. Your description of a landfill site has tweaked

my interest. Although it is not part of this bill, the technology of landfill is really quite interesting. Because of my involvement in the battle against the P1 landfill site and the shortened Environmental Protection Act process the Liberals were using there, we became immersed in types of landfills. Your description is interesting. If a landfill site is properly closed, the water should not seep through it; it should come off it, and therefore, there should not be the problem of leachate you are talking about. My question is if you could supply us with better details of the technology you have described so we can give that to the Interim Waste Authority and other people to look at. It has been presented in another manner.

The other part of my question is, because landfill site technology is advancing thanks to the work of your nephew and others in that field, and you have also endorsed the 3Rs—recycle, reuse and reduce—landfill sites in the future are going to contain significantly different content than they do now. That means they will pose different problems, but if some of the worst has been removed, it will be significantly less of a problem. I would like you to comment on that if you could.

The Chair: Mr Martin, a question for the record.

Mr Martin: I was just wondering if you are aware of the provision by the minister in the proposed legislation and the attendant documents for very full public involvement in the process as it unfolds in the context of this legislation. If you are not, perhaps we could discuss that and give you those documents so you know they are there.

The Chair: Question, Mr Turnbull?

Mr Turnbull: Yes, for the parliamentary assistant. Since there have been various references today and in fact on the news last night to the blue box program, I would like the ministry to provide us with the approximate percentage breakdown of all materials that are collected in blue boxes across the province and the percentage of those materials that are actually being recycled, because I have heard some rather alarming information as to what percentage is being recycled and what the cost of the blue box program is.

The Chair: Question, Mr McClelland?

Mr McClelland: Yes, to the parliamentary assistant. I want to know if it is still the intention of his government to limit debate on third reading and to push this bill through without full, complete debate when we return in the spring.

The Chair: Thank you very much for your presentation. The questions you have not had time to answer verbally today will be made available to you by the clerk. If you have time, we would appreciate it if you would communicate with us in writing, and as you heard me say before, if we receive it before February 14 it will form part of the public record. We do appreciate your comments and I think all members of committee listened intently, particularly the comments you had about democracy. Thank you very much.

Mr Martin: On a point of order, Madam Chair: I would like on the record to separate myself from the reference to

this process being likened to the process under the administration of Mussolini in Italy.

The Chair: That is not a point of order, Mr Martin. I appreciate the comments, but we have people waiting to make representations.

Mr Martin: I would like to separate myself from that particular context. There is enough cynicism out there about the political process as it is without this kind of inflammatory—

The Chair: You are out of order, Mr Martin.

TURTLE LAKE RATEPAYERS ASSOCIATION

The Chair: The Turtle Lake Ratepayers Association, please come forward. You have 20 minutes for your presentation. Would you begin by introducing yourselves to members of the committee. Would you begin your presentation now, please.

Mr House: Good morning. I am Ted House. I am the president of the Turtle Lake Ratepayers Association. Turtle Lake is located in the Parry Sound area. With me is Ruth MacKay. She heads up our environmental committee.

We are actively concerned over Bill 143 as citizens of Metropolitan Toronto and as members of the executive of the Turtle Lake Ratepayers Association. Because of the urgency and gravity of the GTA waste disposal problem, we are worried that an ill-conceived bill will cause many more problems in the years to come throughout Ontario. Governments throughout time have often, in the name of expediency, legislated laws which upon reflection have not solved problems and have chipped away at our democratic rights. People have, through the Environmental Assessment Act, the Environmental Protection Act, the Municipal Act and the Ontario Municipal Board Act, etc, put into effect a process that would protect the citizens in times of waste crisis. Through experience, minor changes might well increase the effectiveness of these laws. However, the changes that parts of Bill 143 envision deal with the very spirit of these laws and actively work against their purpose in some vital areas.

We are anxious in particular because of the complexity of waste disposal issues. Not only is expertise needed in effecting a waste site decision, but expertise is needed in the short- and long-term effects on the environment, the economy, the health and general quality of citizens' lives. For example, the dangers of thousands of unknown, stronger-than-in-the-past chemicals recombining to form possibly destructive compounds close to highly populated areas needs to be evaluated by a person with probably a doctorate in environmental chemistry. The need for an advanced hydrological understanding of a particular site is self-evident, and the socioeconomic aspects of any site require input from local residents with knowledge and experience. Engineered waste disposal sites are notorious for problems with liners, covers, gases and leachate. Their very size makes any problem gargantuan. Like the Kirkland Lake mine site suggestions, the effects on the groundwater have to be pondered.

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There are no simple solutions. Alternatives have to be evaluated as objectively as possible, and even with the best of these objective assessments, mistakes will happen. Without a variety of environmental disciplines, disaster over a 12-to-20-year or more life of a landfill becomes increasingly inevitable. The present acts, although not perfect, are aimed at preventing this result. We would like the NDP government to think again about Bill 143, particularly for the following reasons.

By eliminating the necessity of hearings in the Environmental Assessment Act, the rights of citizens, municipalities and groups to present valuable knowledge or expertise and alternate suggestions are jeopardized. The democratic process invites public input. Taxation with representation is a Canadian principle. Quick, easy, streamlined dictatorial solutions are not necessarily the best ones. Many problems in this complex issue could escape attention without environmental hearings. Democratic citizens do have the right and responsibility to be heard and their facts evaluated.

By putting authority in the hands of a director there is no immediate connection with the electorate. Another democratic principle is violated. By virtue of being a public servant, accountability is not so direct. By taking decision-making powers away from municipalities, important local issues may not be addressed.

Competence in a variety of environmental issues is difficult to find. Waste management consulting firms have arisen because of the complexity of locating and engineering landfills. Municipalities have had trouble with a variety of these firms due to what seems to be unsatisfactory decision-making on the basis of a limited knowledge of (a) the study area, (b) local issues, and, (c) having the economic, social and cultural issues as the last levels of inclusion in site selection.

For an example of a questionable decision, please note in Appendix I the site suggestions for a waste disposal site to deal with waste from seven townships and the municipality of Parry Sound. Please note that it is suggested that the large landfill site for 20 to 40 years be 150 metres from Turtle Lake, which is the headwaters of the Seguin River system and close to Seguin the headwaters of Shadow River, which leads directly into Lake Rosseau.

At this time I would just like to show you what is proposed. Seasonal residents here all get expropriated. The landfill is 150 metres from the lake—

Mrs MacKay: On a flat field.

Mr House: —on a flat field and virtually everybody on this side of the lake is in full view of that. Where are the socioeconomic protections? This is what you get from a consultant.

As well, the Seguin River system includes seven inter-connecting lakes with a population of about 1,000 seasonal residents, who will all be affected. This is an area where most citizens use lake and river water for drinking and recreational purposes. If consulting firms which make their living by advising on waste management issues come up with answers that have obvious problems, surely the director

will also make some highly questionable decisions. To be not accountable to the public through election and hearings could change a blunder into a disaster.

The ministry could provide travelling highly-skilled experts of a better quality than some of our consulting firms to assist municipalities throughout Ontario. This group could have an education at the doctorate level in a variety of fields of waste management such as hydrogeology, environmental chemistry and ecology. There could be a grass-roots knowledge of the effects of waste on sand, clay, limestone, etc, of the southern sedimentary area, including the GTA, as compared to the Canadian Shield.

This troubleshooting group could act for the municipalities in an advisory capacity far beyond the present situation from the very beginning. Thus expensive and unrealistic consulting fees would be avoided by the municipalities. The quality of the advice would be more pertinent to the geological and socioeconomic area. Many of the municipalities' objections would not arise in the first place. Negotiations, leadership and teamwork by both the ministry and the municipalities may avoid undue hardship and financial cost to local citizens. A more knowledgeable, active role than at present is needed, but not a streamlined dictatorial role by the Ministry of the Environment.

Precedent is being set for all of Ontario. Whenever issues become controversial, sticky or difficult there will be pressure on the director to take over, thus denying the public the right to speak through hearings and consequently stifling intelligent input. Each time this happens it becomes easier for the director to be given the decision and hearings to be bypassed. Directors are open to human failings such as manipulation or limited understanding of some aspects of an issue.

If the director assumes that he or she can always hire consulting firms to answer difficult technical questions or to set up waste management master plans without problems, he will be sadly mistaken. Unfortunately, because of limits to a director's time, the effective decisions may be made in some geographic areas by someone much less qualified or objective. The pressures of this position may discourage qualified persons from applying for the job.

Thus, by erosion of the authority of the Environmental Assessment Act and the Environmental Protection Act, etc—acts which were carefully considered—we may end up in a much worse crisis. In our anxiety about Metro's urgent waste disposal site selection, we may lose both reasonable answers to our waste crisis throughout Ontario and our democratic rights. To set a precedent for Ontario's waste-management decisions by permitting elimination of assessment hearings and giving autocratic powers to the director may cause more expenses, more problems, more dangers and more wasted time. Please think twice before proposing more simplistic answers to waste management.

In summary:

1. Public input throughout waste-management process, including hearings, is vital.

2. Municipalities, with public input, need to play an active role in decision-making. Final decision-making should not be in the hands of a director.

3. There is need for provincial government ministries to provide to all areas, not just the GTA, a more competent and varied level of guidance from the very beginning than is presently provided, including when and if to hire a consultant.

4. Precedent is being set for all of Ontario with Bill 143, not just the GTA.

The Chair: Thank you very much for your presentation. The first questioner: Mr Martin.

Mr Martin: Thank you as well for your presentation. I think it was well put and we certainly appreciate the fact that you took the time and effort to come here today. I want to assure you, sir, that the long-term landfill sites that will be considered will undergo an environmental assessment hearing, because the minister believes in an open, accountable process with full participation, contrary to what you may hear from the opposition.

I also pick up from your comments that you are interested in options being considered. I am from the north, maybe a little further north than your concern here. Would you want us to open the process to consider all of the options re the one you want to protect here as well as other sites in other places outside of the GTA for the GTA waste?

Mr House: I think that options have to be discussed and either put aside or graduated to a higher level. But to make a decision to automatically discount alternatives is wrong. If they are wrong, let's prove it.

Mr Turnbull: What I am getting from your presentation is a set of concerns and a specific suggestion as to how you would improve the process, namely the concern you expressed, which may set a precedent for other municipalities, that the ministry is moving in and assuming dictatorial powers and taking away the ability of concerned citizens to have an environmental process which has been set up very well in this province years ago and has served us very well. But I have to give my own bias. I think one of the problems is that we have stretched out this process to an endless degree and now we are going to the other end of the extreme, which is also despicable: the idea that we are going to take away the right of citizens to have input.

The thrust of what you are saying, and I want you to correct me if I am wrong, is that you believe the minister should not be taking these powers but instead should be setting up a core of expertise which would act as consultants to municipalities to ensure that the correct qualified people would be available to even the smallest municipality to solve the garbage crisis. Is that the thrust of what you are saying?

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Mrs MacKay: Perhaps you could explain the waste management board in Parry Sound. How many from the ministries are on the board?

Mr House: I think two.

Mrs MacKay: Two: one from Ministry of Natural Resources and one from the Ministry of the Environment. You can understand that a small municipality is not able to afford people to advise on a world quality. Yet the issue is important. The issue is going to affect the Muskokas. It is going to affect the Seguin system. When you have somebody

perhaps with an environmental course or two and with a biology degree and an honest, good person doing a fabulous job within his capabilities, but one person with more limited education, the results may be questioned.

Mr Turnbull: Let me just direct you back to my question. Do I understand correctly, that you are saying it is wrong that you eliminate the ability of citizens to have input into this process?

Mrs MacKay: Very much.

Mr House: Yes, that is wrong. Up north, municipalities feel that their hands are tied. They start with a process but, through no fault of their own, they have no expertise in waste management. Along comes a consultant who says: "I've got the answer for you. We'll give you a waste-management plan." It was only just before we found out that the municipalities also found out that they are putting it right beside a lake. It was a surprise to everybody.

What we want is the guidance from the ministry to guide municipalities from the very beginning, before they hire a consultant. I have one comment from the waste reduction office, where it says, "If and when to hire a consultant." It is a very important statement to make. The government has to supply information to municipalities before they get into this process.

Mr Turnbull: Okay, guidance, not dictatorship.

The Chair: Thank you, Mr Turnbull; your time is up.

Mr Solá: I would like to start off by commenting on what the government member has said. He stated that the minister was committed to an open public process and public involvement, and I think that was correct while she was in opposition. But now that she is minister, she has designed Bill 143—it was not the opposition parties—and Bill 143 is designed to take away that exact right from the public any time the minister deems it to be a crisis. So the crisis may have been there at the time she became minister, but due to circumstances, some within her control, some beyond her control—like the economy, where the government may be partially at fault—the crisis has sort of ebbed, except for Britannia. That is why Bill 143 should no longer even be contemplated: because she has time to go through the process. Do you feel that your rights as a citizen and the fairness the government has been promoting while in opposition have been eroded by Bill 143?

The Chair: We are going to have to accept that question as notice; you used the amount of time. Mr Wiseman, question for the record?

Mrs MacKay: The answer is yes.

Mr Wiseman: I thought I had one minute.

The Chair: You had one minute, but the deputants used up additional time. I am asking members to help stay to the schedule.

Mr Wiseman: Very quickly. One of my residents has a cottage across from this proposed site. I know about it because he has been in my office discussing it with me on a number of occasions and has asked me about the Interim Waste Authority document for draft criteria for site selection. Have you seen it? Are you involved in the environmental process for the re-evaluation of the Environmental

Assessment Act? Are you aware of the initiatives paper, Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1, and have you contributed to the input for this document? The last question is, how would you use the Environmental Assessment Act as it now stands and guarantee the creation of a landfill site within the time frame that is necessary in the GTA to meet the needs of the GTA?

The Chair: There will not be enough time for you to answer all the questions. There is one minute. Would you sum up, make any comment you can and then you can submit in writing your answers to the questions that have been placed on the record.

Mr House: Just in closing I would like to say that, from being part of this process and from watching at home, it is evident that there must be changes to Bill 143. I would like to encourage the committee to compile all this information and put forward the necessary changes. What I think Bill 143 has done is encourage interested groups like ourselves and the public to come forward and talk about waste management. It is very important, public participation. I think it is fortunate that this has been done before any new long-term sites have been chosen in the GTA.

Mrs MacKay: It does not necessarily have to be a revision of Bill 143. It could very well be a revision—and perhaps much safer—of the present Environmental Assessment Act.

The Chair: Thank you very much. We appreciate your coming before the committee today.

WASTE WISE

The Chair: I call next Waste Wise. Please come forward and introduce yourselves. You have 20 minutes for your presentation. For the information of members of the committee and anyone who is watching these committee proceedings, in an attempt to stay on time and ensure there is sufficient time for people making presentations, I offer more leeway to the deputants than I do to committee members as far as time, and I deduct the time from committee members rather than from the deputants. I know that that meets with the approval of all committee members. We are here to hear from the public, so when I am keeping time I am trying to let the presenters have their say. Please begin your presentation now.

Ms van de Valk: It sounds like you are running a very tight ship here so we will bear that in mind.

My name is Diane van de Valk. I am project manager of Waste Wise. Waste Wise is a registered charity. We have come to you today to talk about what we are doing in Halton Hills. With me I have Rita Landry. She is the chairman of Waste Wise. She will also address the board and make several comments. So, as a matter of protocol, I ask for a two-minute summary at the end.

What I am going to do is tell you, first of all, why Waste Wise exists. The second thing I am going to tell you is what Waste Wise is. Then I am going to tell you what is at Waste Wise. Then I will turn it over to Rita, and then I will close.

First of all, I want to ask the members of the panel, how many of you have ever heard of the Acton quarry?

Three people have heard of the Acton quarry. The Acton quarry landfill proposal is one that has been on the table for four and a half years. Two groups, one by the name of POWER, Protect Our Water and Environmental Resources, and the more recently formed FOAD, Furiously Opposed to Acton Dumping, have formed to fight this proposal and have spent collectively in excess of \$100,000. This is a proposal to put in excess of 20 million tonnes of garbage into a leaky limestone quarry in the Niagara Escarpment. We use well water in our town. That is our only source of water. We are very worried.

Perhaps a show of hands again would be helpful: How many people here know of the 14 sites that Halton region has identified as possible sites for energy from waste? One person knows about these 14 sites. Five of them are in the town of Halton Hills. We feel very threatened by this, and for that reason the group ICE, Incineration Counteracts the Environment, formed. We actively lobbied Ruth Grier to ensure that she carried through with the party policy, which was a ban on municipal solid waste incineration.

In Ruth Grier's statement about that ban on incineration, what she said was, incineration was a disincentive to waste reduction and recycling. Everything you will hear by the proponents of incineration will contradict that. It will not address it. There are still concerns certainly about emissions and so on. They are very valid concerns, but as a disincentive to waste reduction and recycling, that was first and foremost in our minds. You will understand that in a minute when I describe the message Paul Connett brought to us.

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We in Halton region produce 250,000 tonnes of garbage a year. We are part of the GTA. The GTA produces 5 million tonnes of garbage a year. I would like to ask you, why is it that Halton is part of the GTA? I am asking that rhetorically, because I know the answer. The answer is because we have space, holes in the ground and countryside where you can put incinerators. So, suddenly as part of the GTA we have to be part of the solution that we do not want to be part of.

Waste Wise is really the brainchild of Paul Connett. When he came to us in June of 1989 he described the overflowing bathtub. That made an awful lot of sense to us. Does everyone remember that analogy? I think he used it here. What he said was that pipes and sponges and buckets are not the solution. Landfilling and EFW is the equivalent of pipes and buckets and sponges. What we have to do is turn off the tap. That makes perfect sense, does it not? Turn off the tap. We thought about that, and we thought that in all of our discussions with individuals about garbage we always went back to the same thing: Garbage is not a technological problem; garbage is a social problem. We have to change the way we live. We have to change the way we do business. So, we pulled together Waste Wise, understanding very clearly that if we continue to call garbage "waste" we will not be thinking about this problem very creatively.

To get into what exactly Waste Wise is, Waste Wise is a registered charity. There are three goals. The first is to educate all waste generators about waste reduction in the context of sustainable development—all waste generators.

That is significant: not just residential, not just commercial, not just industrial, not just institutional, but all of them. The second goal of Waste Wise is to divert reusable and recyclable materials from disposal. We are doing that through a number of ways and I will describe that in just one second. The third goal of Waste Wise is to become self-sustaining within three years. Currently we are funded by all four levels of government: the federal government, through the environmental partners fund; the provincial government has been most helpful through the waste management branch, through the Cleansweep lottery and through the Environmental Youth Corps program; finally, our local governments, the regional municipality of Halton and the town of Halton Hills, have also supported the project.

What we have done is pull together under one roof what we think is one step towards the direction of turning off the tap and creating that social change that is required to fix this problem. It is not a Band-Aid. We are attacking the root of the problem. So what we have is an education centre and information service. When you first come into Waste Wise you will see displays about household hazardous waste, displays about backyard composting and displays about where to find markets for your industrial co-products, if you are a generator of those things.

As an information service, we provide local businesses with opportunities for markets. We share with them the information we have as far as waste exchanging is concerned. So we are developing in the town of Halton Hills a network of businesses that can communicate with one another and share their wastes—what we now call at Waste Wise “resources.” They are not wastes; now they are resources.

The next thing you will come to at Waste Wise is a dropoff for recyclable materials that are not handled through the blue box program. There are eight different grades of paper, five different grades of plastics, scrap metal, aluminum and a whole host of odds and ends like egg cartons, coat-hangers, corks, elastics, twist ties, bread tabs and packing chips. All these things are used within the community.

The next thing you come to is the flea market. The flea market is an opportunity that goes perhaps beyond Goodwill and the Salvation Army in that we take a broader variety of materials and the revenue from those materials goes towards operation of the centre. So that is what is at Waste Wise.

I would like to turn it over now to Rita. Then, as I mentioned, I will close.

Mrs Landry: I would like to mention that we did bring a video of the Waste Wise operation. They are making a copy of it here, I believe, so if anyone wants to help himself to a copy it is here now. We would also like to invite you to come to Waste Wise and actually see how it runs and possibly pitch in and sort a little waste yourself.

Interjection.

Mrs Landry: That is right, exactly.

We have a few concerns about the way things are managed right now regarding waste management. The first one is municipality regulations versus private sector regulations.

I would like to read an excerpt from a letter written to the town of Halton Hills from Ruth Grier, dated September

24, 1991. She says, “As I have clearly stated before, municipalities are expected to manage their own waste within their own borders.”

But in the same letter she says: “However, you should also note that should the proposal for a landfill in the Acton quarry be approved, that landfill would be free to accept waste from within its approved service area. Waste collected by or on behalf of the GTA municipalities will be disposed at either the existing or the long-term GTA sites. The privately managed industrial, commercial, institutional waste stream would also be received at the GTA sites. However, the generators of this waste would also have the option of disposing of this waste at any facility suitably approved to receive it including, potentially, a landfill in the Acton quarry.” Obviously that is contradictory to what she is trying to force municipalities to do.

Bill 143 must clearly define what the definition of waste is. I would also like to draw your attention to an article, “Waste Disposal Site Approvals in Ontario,” by Harry Poch. This is supposedly a Supreme Court of Ontario decision. They “noted that waste disposal approvals are necessary only if the materials to be disposed of are ‘wastes.’ If not defined or designated as a ‘waste,’ a material will not require” an EA. They also go on to say that “if a material does not have a further beneficial use it will be found to be a ‘waste.’” I think that definitely needs to be looked at.

There needs to be an official policy from the Minister of Energy supporting Ruth Grier’s ban on incineration, EFW, refuse-derived fuel and tire-derived fuels—whatever the consultants want to come up with as a new name, it needs to be supported by the Minister of Energy.

As for the EA process, it is a shame Mr McClelland is not here today. The EA process, otherwise known as “How the private sector can get what it wants”—I ask you, what is democratic about a process that only permits a community one choice, and that choice is, at what level are you going to accept this proposal?

We feel some of the board has not been biased. There seems to be a constant push for private sector bury-and-burn solutions. I am sorry, but it is very difficult not to want to comment on the Ogden Martins of the world who were here the other day with their words that technology minimizes contamination.

I am going to steal a line from a very good friend of ours, Will Collett. He says he thinks the best question to ask is, “Just how much Drano would you like to put in the family’s orange juice in the morning: a little? A lot?” I think the answer here would be zero for many of you.

I would like to pass it back to Diane to close off. Thank you.

Ms van de Valk: In closing, I would like to send out a plea to this committee: Put aside the private sector interests that stand to gain and profit from waste management alternatives that the people are not in favour of. Put first and foremost in your minds the needs of the people of this province. In my opinion, what the people need is a solution, not a Band-Aid. That is what we ask of you. Thank you.

The Chair: Thank you for your presentation.

1140

Mr Sola: Your last comment was: "What the people need is a solution, not a Band-Aid." Do you not see that Bill 143 is exactly that, a Band-Aid? It lets the minister define what a crisis is, and once she defines that something is a crisis it allows her, in order to provide a solution she sees fit for that time and place, to override any rules that have been established.

Ms van de Valk: To a degree, yes, I agree with you. Back to my comments about Halton region being a part of the GTA, how was the GTA defined and why is it that the town of Halton Hills, all of 34,000 people producing 10,000 tons of garbage a year, is a part of the GTA? Who defined them? It is our information that people who stand to profit defined the boundaries of the GTA. We are not prepared to work on the assumptions that were handed to the NDP when it took power. The assumption was that the GTA exists and has a garbage problem. We disagree.

Mr White: I want to thank you both for your excellent presentation. I found it very encouraging that you are not only taking on an issue like this and obviously have researched it and have a lot of clarity, but are taking on responsibility in your own community for these issues. I am very struck with how, rather than saying it is a technological problem, it is something the experts can do, the highly paid experts and frequently highly paid-off experts, you are saying, "No, this is something we can have control over." The issue you are assuming, taking care of garbage rather than waste, reducing it, I think is excellent. The whole issue of thinking globally and acting locally is excellent.

I am wondering about a couple of issues. You mentioned your concern about incineration, and also the issue of transportation. As far as you are concerned, the GTA or the community should be responsible for its own waste, whatever is left at the end of that "stream." I am wondering if you could comment a touch on both the incineration issue and where you think the move is for incineration, and as well on the transportation issue.

Ms van de Valk: I do not understand the question as far as transportation is concerned.

Mr White: The idea of transporting waste to northern Ontario, to Halton Hills.

Ms van de Valk: A basic premise we have always worked on is that communities have to become responsible for their own waste. That is what we want to try to do in Halton Hills, and we are more than happy to help other communities set up a similar type of facility. This is the kind of accountability we are asking of our local politicians, to say that if this is the kind of business we want in town we have to take into consideration all the servicing required for those businesses, whether it be water, sewage, garbage, roads, whatever.

Once we begin to foster this community awareness of the needs of the community, then we will be thinking much more holistically. That applies to every community. In my opinion, Metropolitan Toronto knew this garbage problem was coming and, while wringing its hands looking for sites and so on, has jeopardized the neighbouring communities while it sat on its hands. That is unacceptable. It

is time for them to face the music, and somebody is going to have to make that happen.

The Chair: There is only time for you to place your question on the record, Mr Martin; the deputants have asked for some time to sum up.

Mr Martin: Could I raise a point of order first, then, just to say that since the Conservatives are not here, do we get to share their time?

The Chair: I have already done that.

Mr Martin: You have already done that. It is really unfortunate that they and Mr McClelland are not here to hear a different perspective. I was really interested in your focus on what this committee should be about, which is the common good of all the people of Ontario. That is what this legislation is about.

I would like to ask you on the record how many people, how many voices out there you represent in this question.

The Chair: You can now sum up.

Ms van de Valk: Can I answer that question first?

The Chair: As part of your summation, yes.

Ms van de Valk: How many voices do we represent? I could not even begin to guess. I mentioned the groups POWER, FOAD and ICE. We are also affiliated with Citizens Acting Now in Orillia and Waste Not in Orillia. We are affiliated with Riverwatch. There are numerous organizations. Collectively, this is the approach we are taking. We have a register at Waste Wise. We have over 1,000 names in that register of families—one name per family—in Halton Hills that have come to Waste Wise and are using that facility and actually sorting their paper into eight different grades and their plastic into five different grades.

I will turn it over to Rita to give her last word. My last word is back to my plea: You cannot underestimate the willingness and the desire and the sincerity of the people of this province to solve the problem. They do not want a hole in the ground. They do not want an incinerator. Nobody wants those solutions, so we really have to start being creative about this. That is what the people of this province want. No more Band-Aids.

Mrs Landry: I was just going to add that, since the release of the Dr Connert video on Waste Wise, groups from all over the world are now phoning or writing Waste Wise to send information on how they can do the same. I would like to leave you with the words of Dr Gofman, who sums it up best, "If you make waste, it belongs to you."

The Chair: Thank you very much for your presentation. We appreciate your appearing before the committee today.

TOWN OF MARKHAM

The Chair: I would like to call now the town of Markham. I ask that you come forward, please. Introduce your deputation for the record. You have 20 minutes for your presentation.

Mr Morand: Thank you, Madam Chairman. My name is John Morand, and with me is Mr Dalo Keliar. We appreciate the opportunity to meet with your committee and discuss Bill 143.

I am a home owner with a well, the town administrator of the town of Markham, sometime outdoor writer and the first Canadian chairman of the American Economic Development Council. Mr Keliar is a home owner, environmentalist, professional engineer and commissioner of works for the town of Markham.

I have not come here to discuss my concerns as a home owner. I believe you have already had numerous presentations from groups representing the concerns of home owners and ratepayers. I share many of those concerns.

I have not come here to speak to you as a member of the Law Society of Upper Canada. You have had very good briefs presented to you over the last few days by the Canadian Bar Association and environmental lawyers. I hazard to guess that many of my fellow members of the law society have made their mortgage payments over the past few months by drafting responses, critiques and addresses for your committee. Quite frankly, I share many of the concerns expressed in their presentations as I have been watching them on television.

We are here to represent the town of Markham. First, we would like to do a little bit of bragging because those of us who live and work in Markham believe Markham is a leader in Ontario, Canada and North America in waste reduction. We will provide to the committee information, a schedule to our presentation, that indicates a reduction of between 29% and 35%, depending on the formula you use, from 1987 in the town of Markham. We do not talk about it; we get out and do it. Markham's industry has been a leader in industrial waste reduction. You will be pleased to know that IBM last year reduced its solid waste by just under 80%.

Having said all that, we have the same concerns voiced by the Association of Municipalities of Ontario, the region of York, Vaughan, Metropolitan Toronto, and a variety of other municipalities across the province. We strongly support the presentation made by the region of York.

I also come to speak to you as chairman of the American Economic Development Council and as an economic developer who has been in the private and public sectors for the past 25 plus years. Prior to doing that, I would like to ask Dalo to address you.

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Mr Keliar: We have read with interest Minister Grier's January 20, 1992, proposed changes to the new Waste Management Act. We appreciate her comments, which I am sure reflect the initial consultation she had with a variety of groups.

There are many issues which require immediate attention. One point which is of specific concern to our municipality is the support of the effort of many volunteers, environmentalists, home owners, businessmen and others involved in waste management. We are talking specifically about the motion regarding incentives which would support, not undermine, our waste management goals.

To state our case more clearly, we are concerned about the proposed change of rebates to local municipalities. There is a possibility that the town of Markham will be receiving substantially less in rebates per annum. Due to the proposed

method of calculation we are looking at a revenue decrease of over \$1.5 million, which represents approximately a 6% tax increase to our ratepayers. In other words, the better we do the more it costs the ratepayers. Why are we going to be penalized for doing a good job?

Mayor Lastman's comments on the blue box program yesterday point to the concerns shared by the other GTA municipalities about runaway costs for waste management. The more we do the more it costs, and frankly our ratepayers are expecting us to get better at it and more cost-efficient. The proposed legislation should clearly reward the efforts of communities like Markham which are successful in reducing waste. There must be financial support and reward for such endeavour.

We cannot afford more programs started by senior levels of government that are funded in initial stages and then downloaded to the local taxpayers. If we are going to be your hired guns, please pay us.

Hand in hand with that is also our request to you for support and encouragement in the development of new markets for recycled materials. Price fluctuation or occasional total disappearance of the market is causing instability and at times financial losses to reduction and recycling efforts, and this is being reflected in the mill rate.

Thank you for your attention. John Morand would now like to make some more comments as an economic developer.

Mr Morand: Madam Chair, we all know that perception becomes reality. We are all aware that over the past couple of years the GTA has lost more than 100,000 jobs, and that leakage is continuing.

Faith Popcorn, in her book *The Popcorn Report*, refers to two terms, "cocooning" and "cashing out." I suppose we all know what "cocooning" is: it is wanting to feel safe, wanted, a sort of hyper-nesting; you want to stay where you are if you are well treated. "Cashing out" refers to taking your chips and going somewhere else where you feel good or where they make you feel good. I will be sending to members of the committee a paper I am delivering to a thinkers' conference in the United States next week that really examines what is happening in North America in terms of the trends industrially.

Many corporations in Ontario, as a result of shifting trends reflected in Toffler's book and Zysman's book on post-industrialization, are cashing out. Frankly, as a result of globalization and free trade they are now in a position to go any place they want to in North America where they will be well treated. I am concerned that certain provisions in this legislation will lead more of our industry to break out of its corporate cocoon here in Ontario and recocoon somewhere else, at a loss of additional jobs to our province, causing additional cost to our province.

We currently have a firm with some 800 employees that is investigating opportunity somewhere else. We have discussed this firm with the Ministry of Industry, Trade and Technology senior management.

Quite frankly, we must continue to provide options for industry to move industrial waste out of the province at low rates. In a discussion with Minister Grier at a meeting on this matter, she expressed a justifiable concern about

the loss of revenue from export of waste. It was my suggestion that perhaps we look at the other side of that equation.

I believe it is essential that a cost-benefit analysis be done to look at the cost of losing those industries that move out of the province, in part to reduce the cost of waste management. Of course, I would like to see a business plan on how \$152-a-tonne tipping fees—\$740 million collected over a number of years—is going to be reflected in a solution.

Second, the proposed legislation limits other methods of waste management. There is, frankly, an incredible business opportunity for the province and its entrepreneurs to continue to develop high-tech methods of solid and liquid waste treatment. We must continue to explore opportunities for incineration and cogeneration. I refer members of the committee to Alvin Toffler's book *Powershift*, page 490, talking about the new neural network and the speed at which things are happening and how industry is reflecting those changes.

When a new government is elected we all look forward to constructive changes, consultation and effective listening. Change is best achieved when participation is wide and responded to with a mix of pragmatism and philosophy. There are many changes required to this legislation. They are evident in the many briefs you have and will receive.

I would just remind you, as an ecosystem economic developer, that I believe everything is interrelated and you should be aware of the total impact of your legislation.

Recently the Legislature passed a bill, the Development Charges Act, Bill 20. That bill was passed to address what looked like a relatively simple problem. Quite frankly, it totally changed how growth municipalities in this province are financed. It is my understanding that you and your staff are looking at the impact of that legislation. Please be careful in your final recommendations on this piece of legislation; its impact is far-reaching. Its impact may be more far-reaching than is evident on its surface. We thank you for this opportunity to make a presentation.

The Chair: Thank you very much for your presentation this morning.

Mr Martin: I wanted to thank you for the presentation, too. It was very good and, I think, highlighted very clearly some of what we ran into when we arrived here on September 6, 1990: a crisis. The crisis was actually generated very much by competing interests around the question of garbage and waste management.

Through this bill we have very clearly indicated that our concern is the environment and the common good and dealing with waste management under that umbrella. To do that you sometimes have to make tough choices and decisions. However, we also need to be sensitive to some of the things that were there before and some of the concerns from communities like yours, which have grown to depend to some degree on the revenue generated to do other things.

How do we do that balancing act—protect the common good and the environment—versus trying to accommodate those who would like to make some money on the industry of waste management?

Mr Morand: First, let me state my bias. I do not have any problems with anybody making money. Making money creates jobs; making money is the engine that drives this province.

Mr Martin: At what cost?

Mr Morand: Making money is what has made us one of the wealthiest nations in the world, so I do not have a bias against that. I think you have to balance always what is happening. You have to use your judgement; you have to listen to the very good people who have spoken to you and will be speaking to you. Leadership, to quote a good friend of mine, is a bitch. It is never easy to make decisions. The decisions you have to make are incredibly difficult because you have a lot of competing interests.

I have absolute faith and confidence in the members of the Legislature to wend your way through the legislation, through the proposals and comments being made to you and come up with a reasonable, logical approach. You are going to have to balance a variety of interests, but do not give up on one. Investigate all of them. You have very good officials in a variety of ministries. Get them to work together; get them to work with the local municipalities. The answer is there.

Mr Martin: It is good to hear somebody come forth who has confidence in this—

The Chair: Thank you, Mr Martin. A question, Mr Turnbull; you have the floor.

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Mr Turnbull: I, too, share your view; I do not have a bias against profit. There is definitely a conflict between the right of citizens to have a full airing, through public review, of potential dump sites and, on the other hand, the need to expedite the process. But we have gone from one extreme of having an almost endless hearing to no hearing at all with respect to the extension of two dump sites. Could you comment on that?

Mr Morand: Perhaps I will make a comment, then Dalo can. I worked for the Hamilton-Wentworth region from 1978 through 1983. As some of you know, we proceeded to go through public hearings and instituted a new landfill site. In fact, the federal government, the provincial government and the region paid for a film to be done on how we did that. We used an environmental procedure. We worked with the citizens' groups. We reviewed the technology and the documentation given to us by the scientists. We worked together. The process then was perhaps a little simpler. I think the process has been made much too difficult. The process has become a way you stop things rather than get on with things. I think one of the challenges you have is to clean the process up.

We have a little thing we are looking at at the Markham town hall. One of our senior administrators has a slide show. It is two really tough-looking guys standing in an alleyway. He calls it the 30-15 protection system. Our people are going to have 30 days to comment on an application. At the end of 30 days he sends Louie around with a baseball bat to find out why it has not been commented on, why it has not moved off the desk. On the second pass they have 15 days. You should get better at it. So you have to do what the municipalities are

doing: You have to put time frames in place for your officials and other officials to comment, get back and move it forward.

Mr SOLA: First of all, coming from the city of Mississauga, I would just like to have my municipality share the podium with you as far as your leadership position in waste reduction is concerned. I would like to touch upon the profit motive expounded by the government member, but from a different angle. Mr Keliar, maybe you could give me an answer to this. It is in reference to your statement on rebates to local municipalities. You say that the better job you do, the more it costs your ratepayers. This is the flip side of the coin on profits: What does that do to provide incentive for your municipality to be better at your job of reducing waste?

Mr Keliar: I am afraid I would have to reply rather indirectly than directly by way of examples. What has happened in our municipality is that we have reduced our overall—specifically, I had to mention that. Again, I am sorry I am referring directly to Mississauga's perhaps competitiveness with the town of Markham. I am proud of it and I am proud of having more municipalities to compete with each other. That is great. However, Minister Grier, in her January 20 statement, declared that on the average, a GTA person consumes and wastes as much as 1.1 ton per year per person. That comes to something over six pounds per day, which is totally incredible, if we think that each and every one of us throws away over five pounds of waste. This is insane. Sorry for using such strong terms, but I feel that strongly about it.

We would like to ask you for your forgiveness. Here is really the attachment which should have been given to you. I would like to give it to the clerk, please, for distribution to all members of the committee.

In the town of Markham, if our calculations are correct—and I believe they are at least approximately correct—the consumption comes to 1.5 pounds per day per person. I believe that is incredible; that is fantastic. I am extremely pleased to see my good friend Don Cousens come here to hear that, because he is the one who is promoting all of that and supporting it very much.

The calculation is based at this point in time on the tonnage taken to the dump site. The proposal has been that, no, it is going to be recalculated on a per-capita basis, on the population figure. In other words, the incentive, which is in the reduction of your tonnage, is being totally lost. It is simply not there. In fact, the more we are going to be reducing our overall tonnage, basically the less we would get.

The Chair: Thank you very much for your presentation. If there is additional information you would like to share with the committee, you may do so in writing. I have a couple of questions for the record that members would like to place. You can respond to them in the future.

Mr White: I am very impressed with your recycling and reduction and I am wondering, in regard to Markham's procurement practices, if you favour recycled materials and whether you have that as a town bylaw.

Mr Cousens: I just want to say thank you for being here. I apologize for not being here for your whole presentation.

Mr SOLA: My question is directed to Mr Morand. On page 8 you talk about "industries that move out of the province, in part to reduce the cost of waste management." Do you have any figures that can tell us how great a role reduction of waste plays in management costs?

Mr Wiseman: I would also like to congratulate you and Markham for your efforts in recycling. Last year there was enhanced 3Rs funding from the province. Do you think all municipalities should be encouraged to achieve what Markham has achieved?

The Chair: Thank you. The questions that have been placed on the record will be made available to you by our clerk. If you respond before February 14 it will form part of the public record. If not, all members will receive a copy of it after that and be able to consider it during their deliberations. We appreciate your coming forward this morning. Thank you very much.

Mr Morand: Thank you. All of us are counting on you.

The Chair: Thank you.

TOWNSHIP OF SCUGOG

The Chair: I would like to call next the township of Scugog; please come forward. You have 20 minutes for your presentation. Please leave some time for questions from committee members and begin your presentation now by introducing yourself.

Mr Dietlein: My name is David Dietlein. I represent the township of Scugog and the township's position on Bill 143.

There is no question that in the greater Toronto area and, indeed, in many areas of the province, we are facing a garbage crisis. The need for satisfactory landfill sites has never been more urgent. In the zeal to address this problem, however, one must not overlook or choose to ignore the fundamental rights of individuals and communities which happen, through no fault of their own, to get in the way of this search.

As you are aware, waste management is a regional, not a municipal responsibility. We will be relying on the region of Durham to address those waste management aspects of the bill.

As a municipality, we are greatly concerned about the infringements this bill makes on civil and community rights. With regard to part I of this proposed bill, if passed it would trample on the rights of Ontario property owners. This legislation will give the provincial government extraordinary powers to enter any property. According to subsection 7(1), any inspector authorized by the province would be able to enter any property he or she feels should be tested for its landfill potential. The land owner will be assumed to have been notified seven days after notice was sent by prepaid mail. If the owner was absent or otherwise did not receive the notification during this period, his or her property could legally have been tested for its landfill potential without his or her knowledge or permission and without a warrant.

Permission should be required from a property owner for such testing, as has been past practice. The property owner would have no right to appeal a decision of a provincial

inspector. With the passage of Bill 143 the property owner has no legal recourse to prevent excavation on his property. If he attempts to physically stop trespass, section 10, paragraph 2, gives the province the right to arrest him.

We find it surprising that a government would propose such a law as section 9, which would clearly violate a citizen's rights. Save and except for a period exceeding 90 days, the individual property owner does not even have the right of representation before a judge or a justice of the peace. The use of either a judge or a justice of the peace to rubber-stamp a decision with regard to waste management is an abuse of the judicial process. In effect, this bill implies the judge issue a warrant whenever requested by an inspector. We question whether any judge would have the environmental expertise to determine the merits of any case put before him or her by an inspector.

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Part II of this bill pre-supposes that the location of three landfill sites within the GTA is a suitable solution for our waste management problems. According to section 14, no alternatives will be considered. Other waste reduction and recycling methods, incineration and transport of municipal solid waste outside the GTA are all potential solutions which have been rejected out of hand. These methods should be used for comparison in any environmental assessment. The environmental assessment process is used to select the alternative which is the least harmful to the environment. If alternatives are not considered, how can this be achieved? For instance, we feel the option to transport municipal solid waste to an abandoned mine pit in Kirkland Lake must be reconsidered on its merits. There is little public input on the basic approach to waste management.

Part III of Bill 143 further erodes civil and community rights in that the requirements of the Environmental Protection Act, the Environmental Assessment Act, the Ontario Municipal Board Act, the Municipal Act, the Planning Act, the Regional Municipality of Durham Act, the Regional Municipality of Peel Act, the Regional Municipality of York Act and the Municipality of Metropolitan Toronto Act are negated. These acts were put into place to protect the environment and the citizens of this province from abuse. Suddenly the Environmental Assessment Act no longer applies, as is shown in section 7. If the minister has the power to override an environmental review with respect to matters included in section 17, what guarantee do we have that this will not happen again?

The province mandates waste management decisions, abrogating any assessment and leaving the municipality with the cost. If the province wishes to take over waste management, it should be prepared to provide the funding. Part III gives the province the power to do anything it wants without any checks and balances. It is a law that undoes previous legislation without replacing it. For all practical purposes, there is no law. How can one be guaranteed a hearing if one opposes a minister's decision? What right do we have if we do not agree with a decision?

We feel that the assessment of the environmental impacts of landfills is extremely important and there should be no loopholes. If this bill is passed in its present form, small subdivision proposals—as small as three houses—would

be placed under greater scrutiny than major landfill developments. This is the exact opposite of what should be the intent of environmental assessment. Projects that have the potential of great impact on the environment should not be fast-tracked through the approval process. The township of Scugog is opposed to any weakening of the environmental assessment process with regard to either expansion or location of landfill sites.

This bill does not address the impact municipal solid waste management projects will have on the local municipalities. We are very concerned about the potential impact on township finances and local roads, and we feel this should have been covered in the legislation.

In conclusion, we ask you to consider whether the end justifies the means. Yes, the need for landfill sites is pressing and urgent and, yes, there have been difficulties in the past in gaining access to potential sites, but to implement a bill which would remove so much of the protection from municipalities, the environment and the individual citizen is to initiate a process which runs counter to the fundamental concepts on which our society has been built.

We respectfully request that sections 1 and 3 be revised to afford the level of protection that individuals and communities have the right to expect.

The Chair: Thank you very much for your presentation.

Mr Cousens: If your statement, coupled with the many others that are coming in, had some impact, and it may have some impact—I am trying to carry on the positive note from Markham's administrator and commissioner. You can only hope that what you are saying will have an effect. I sincerely believe that because so many people are feeling as strongly as you are and taking the time to come down here and make a presentation with sincere, good recommendations, the province has no choice but to look very seriously at their proposals.

The points you have made I feel have been touched on, but I think to have the perspective from Scugog is very important. It confirms the direction we are trying to take in my caucus. I want to publicly acknowledge what you are saying and hope and pray the government will very seriously consider the opinions you have. Does this have the support of your council as well?

Mr Dietlein: Yes. All seven members have voted for it, so it is a unanimous decision. Everybody has read through this proposal and there has been input in from a number of councillors, in particular a Councillor Gadsden of Scugog Island. Yes, it is totally supported.

Mrs Fawcett: Thank you for taking the time to come, because it is really important for us to hear from the public. I am almost worried that I find myself agreeing with my colleague Mr Cousens.

Mr Cousens: Oh, that is terrible. We have agreed on this one largely along the way.

Mrs Fawcett: I am particularly interested in the section of your brief where you take exception to the inspectors and the definite removal of civil rights of land owners. Do you think that should be absolutely stricken from the bill or did you discuss at all an alternative or an amendment to that section?

Mr Dietlein: My feeling is that you should have left it the way it was before. You should have permission from the land owner.

Mrs Fawcett: Before you even step on?

Mr Dietlein: Yes, as before. I know it is difficult, but in this kind of procedure what is going to happen is that—in Scugog we had experience with the two Durham landfill sites in the region. There was strong opposition from residents because of the fact that they could not go on the land without permission, but at least the residents had a say. In that case residents opposed it. Again, I think property rights should be paramount and people should have the right to say “yes” or “no” to a test.

Mr Martin: As I said to the previous presenters, this is a very difficult task that we have in front of us and certainly our job as government is to consider the common good, and particularly at this point in our history, the environment, in decisions we make. We are trying desperately to do that in front of very compelling competing interests.

I was interested in your point that we should be considering the possibility of other sites and I was interested in your experience in Scugog with the site that your community did not want that was almost foisted upon you through a process that was in place before. In light of that, you might want to share with us the process of willing host and that whole question. In opening up the possibility of shipping garbage up north, does that not also require us to then consider other sites such as the site in Scugog?

Mr Dietlein: If you want to ship it up north, that is a willing host situation. Again, I would not wish a landfill site on anybody, but if Kirkland Lake is willing to accept it and it passes through an environmental assessment process I say go for it. You are going into areas that are unwilling, and certainly a lot of our area in Scugog township is totally unwilling. You see, we are lumped in with the greater Toronto area and certainly in my ward, which is Cartwright, most of the people do not even want to be a member of the greater Toronto area because of the taxes and the regional problems. We are in a different watershed altogether. We are really part of the Kawarthas.

Mr Martin: So you might understand that some people in the north might have the same kind of feelings you do about what might be a possible proliferation of those kinds of projects.

Mr Dietlein: The thing is, my understanding of the north, and I was brought up in a mining town myself, is that in some of these mining towns the environment has been devastated tremendously and I do not know how much greater harm you can do in such areas. I do not know about Kirkland Lake specifically, but I know where I came from with Gagnon, Quebec, as a kid, and you can see that on a satellite photograph as a crater.

Mr Martin: And you would understand that if we did not want—

The Chair: Thank you, Mr Martin. You no longer have the floor.

Mr Sola: Thank you, sir. Your presentation is a devastating indictment of Bill 143. For instance, when you say

Bill 143 is a bill which says the end justifies the means, and to state, as you do, that the province has the power to do anything it wants without any checks and balances makes it practically a situation where there is no law, goes against the grain of anything associated with democracy and you are just agreeing with people who have stated that the minister is a dictator and autocrat, that she is creating a police state and that Bill 143 is a hostile act against the people of this province. I just want to commend you for stating your views so specifically and giving us that added insight into what the people of Scugog think. It will give us a little bit more leverage to pressure the government to listen.

Mr Wiseman: My question has to do with this concept of willing host again. As you are well aware, the region of Durham designated Pickering as a willing host. That meant that P1 would go under the rather dictatorial EPA that the Liberals had put into place. If this bill is opened up, it is within the realm of possibility that the regional municipality of Durham will designate Scugog as a willing host.

Mr Dietlein: Anything is possible with dump sites. I have learned that. But again, I am concerned about our property rights.

Mr Wiseman: I was more interested in your giving me a perspective on how you think you would differ from Pickering in terms of being designated as a willing host by a greater municipality.

Mr Dietlein: The thing is that Scugog township is a lot farther to the north. It would essentially be exported over the Oak Ridges moraine into another watershed.

Mr Wiseman: Sorry, that does not wash within the regional municipality of Durham. Scugog is part of Durham. They could be designated as a host.

Mr Dietlein: Yes, I realize that.

The Chair: I have one minute remaining. I suggest you put your question on the record and that we allow the deputant a chance to sum up.

Mr White: As you note, the bill deals with the regional municipality of Durham and not with the local municipalities. A submission from the regional municipalities is in fact in support of most of the bill in terms of the location of landfill sites. What I have concerns about is, if each municipality has a viewpoint, do we not then have the people of Pickering with their particular NIMBY concerns versus the people in Bowmanville? How do you determine what is an appropriate landfill site?

Mr Dietlein: I do not point fingers at any other municipality, at Pickering or other municipalities. I do not get involved in that. But we are very concerned about it because come April there is a potential of an announcement of 20 sites. If five or six sites are announced in Scugog, we are devastated. We are ruined.

Who knows how long this process is going to go on? It certainly will not go on according to any timetable. The timetable is off already. We are trying to get through the recession. We only have 10 building lots coming up for approval in 1992 in the entire township of Scugog. We are in poor shape, and certainly we would be ruined.

Mr Wiseman: Could I just ask a question for the record? I would like some clarification from the parliamentary assistant on what the timetable would be, pending the passage of this legislation, moving from the long list to the designated site.

The Chair: The committee very much appreciates your coming forward today to make your presentation. We thank you very much. Over the course of our hearings if there is additional information that you or your council feel would be helpful to us, we encourage you to communicate with us in writing. Thank you for appearing today.

Mr Dietlein: Thanks a lot. It is a pleasure to be here.

The Chair: Did you want to answer that now?

Mr O'Connor: We could probably get someone from the IWA to explain the process, because you are actually quite a way into the process.

Ms Johnston: As we have said before, the process goes from the long list to the short list to the preferred site. If the long list were to come out, say, in the spring with the short list in the fall, the studies would be conducted and the preferred sites identified, say, in early next year.

The Chair: Thank you very much. Thank you all. The standing committee on social development stands in recess until 2 pm this afternoon.

The committee recessed at 1225.

AFTERNOON SITTING

The committee resumed at 1403.

ENVIRONMENT AND PLASTICS INSTITUTE
OF CANADA

The Vice-Chair: I recognize a quorum. Our first delegation this afternoon is the Environment and Plastics Institute of Canada. Would you please come to the microphones and identify yourselves.

Mr Cousens: Are you going to give them an hour, Mr Chairman? They are certainly worthy of it.

The Vice-Chair: All our delegations are worthy of an hour, but they have been allocated 20 minutes. We would appreciate it if you would allow some time towards the end for questioning by committee members.

Dr Edgcombe: Ladies and gentlemen, I am Fred Edgcombe. I am with the Environment and Plastics Institute of Canada, which is a program of the Society of the Plastics Industry of Canada. The Society of the Plastics Industry is the trade association that represents the resin producers, the resin processors and the machinery and mould manufacturers in Canada. We do have some comments to make on Bill 143. Your clerk has been provided with copies of our presentation and I trust she will deliver these to you.

By way of background, I would like to position Ontario's plastics industry for you. It employs approximately 80,000 people in this province and has shipments of about \$9 billion. For many years it has been one of the fastest growing segments of Ontario's economy. Of the production from the plastics industry in Ontario, 39% goes into packaging. Our concerns about Bill 143 are primarily related to those sections that pertain to "litter, packaging, containers, disposable products and products that pose waste management problems" included in sections 28 and 29 and subsections 33(9) and (12). Our concerns are multi-fold, although we can break them down into four broad headings: regulation without consultation, the arbitrary nature of the proposed legislation, the development of an uneven playing field for manufacturers and users based here in Ontario, and regulations before voluntary action.

We recognize, of course, that Bill 143 is an updating of an omnibus piece of legislation that becomes effective through the issuing of regulations. The bill provides sweeping ministerial powers to issue regulations that would be unique to Ontario. The first of the series of regulations, of course, has been outlined in draft form in the Ministry of the Environment's initiatives paper. However, unlike federal regulations, which are governed by the regulatory reform act, there is no requirement for the provincial government to give notice or carry out public hearings prior to the issuing of regulations. Thus far, the only public input on the Ministry of the Environment's draft regulations was a call for written submissions, along with meetings between ministry officials and certain interest groups.

In order that regulations are the product of informed input from all stakeholder groups, Bill 143 should legislate a requirement for public hearings to be held prior to the drafting of regulations. Additionally we believe the proposed

regulations should, as in the case of federal government regulations, be subject to a detailed socioeconomic impact analysis. As it now stands, we believe that regulations passed by order in council provide little opportunity for meaningful public input and consultation to produce workable public policy. For example—I will speak to this later—the format of the consultations surrounding the development of the national packaging protocol are perhaps a model that should be considered.

Moving on now to the arbitrary nature of proposed waste management legislation, the section of Bill 143 pertaining to "litter, packaging, containers, disposable products and products that pose waste management problems" is driven by an orientation to environmental policymaking which can only be described as arbitrary. Examples of this approach are sections 28 and 29 and subsection 33(12), which empower the Minister of the Environment to study, prohibit and in some cases regulate the sale of "products that pose or may pose waste management problems," taking into account such ill-defined considerations as "the environmental appropriateness of packaging, containers, and disposable products." Such targeting of products for regulation can, in the lack of defined criteria, be arbitrary and prone to subjective weighting of environmental factors.

Bill 143 and the regulations to which it is intended to give effect focus exclusively on solid waste management issues to the potential detriment of other equally compelling environmental arguments. Before the Ontario government hastily moves to regulate certain products, it must consider the entire environmental impact of such a move. Energy conservation, resource consumption and atmospheric emissions are just some of the other salient environmental considerations that must be taken into account when devising waste management regulations that potentially single out specific products. While the science of environmental impact analysis is still in its infancy, the Ontario government must take a much broader approach to environmental policymaking than the one inherent in Bill 143.

1410

Like all public policy, Bill 143 and its attendant regulations must be examined in a context of international competitiveness. The genuine need for the development of regulations to protect the environment must be balanced against the obvious necessity of ensuring that Ontario remain a competitive jurisdiction in which to operate.

In this regard, section 29 prohibits the use, offer for sale or selling of any packaging, container or disposable product or material that in someone's opinion is contrary to the act or poses waste management problems. This section offers wide scope for arbitrary prohibition in a manner that does not address how international trade and indeed inter-provincial trade in goods will be handled. It is essential that Ontario producers be provided with a level playing field so as not to find themselves disadvantaged relative to manufacturers etc located outside the province or outside the country.

Likewise, subsection 33(9) refers to the placement of marks of conformance on products, labels and packaging. This section has the potential to require labelling specific to Ontario and if used as a model by other jurisdictions in Canada, balkanizes Canadian business in adding costs and loss of productivity.

Once again, control of imports is essential but is not addressed, in a manner that recognizes the reality of international competition. Failure to recognize this will contribute to a litany of other factors that are rendering Ontario a less competitive manufacturing location. Compared with many US states, for example, Ontario processors face higher wage costs, a more onerous tax regime and in many cases higher energy costs. Arbitrary environmental regulations that place additional costs on manufacturers or users of the products targeted in Bill 143 will make it increasingly difficult for them to remain internationally competitive.

Are regulations truly necessary? The plastics industry is a subscriber to the national packaging protocol. Its representatives have sat on the National Packaging Task Force since its inception and the industry has worked with this multistakeholder group to bring about a rational national approach to the diversion of packaging waste. NPP is a voluntary program with provision for regulation if needed. Its goals and targets have been accepted by all the provinces, including Ontario, and the federal government. Its guide to preferred packaging practices has been endorsed by all the stakeholders active in NPP, including Ontario.

It is our belief that a national system is necessary for Canada. Even a national system, however, will have problems in dealing with imports if regulation is necessary. Regulation may not be necessary if Canadian producers and users of packaging work together for the greater good. The cooperation that has been demonstrated to date augurs well for the future and in the cold light of free trade, GATT and other international structures is likely to be the only mechanism that can work. The voluntary initiatives must be allowed to proceed and the province of Ontario should not risk jeopardizing the national activity through arbitrary regulations.

Mr White: I was quite intrigued with your presentation, gentlemen, and I have a couple of questions. The first is a slight diversion from your presentation.

I represent an area called Durham Centre, which is heavily dependent upon automobile and auto parts manufacturing. In consequence, there is a large component of plastics in that area. In fact, that is one of the areas where I think we are somewhere in the forefront in the world in terms of plastic foams etc for automobiles. A local recycler of steel, a very large corporation, has a major difficulty, and that is concern about the different plastics that are in the automobiles and the fact it cannot reuse them. They end up in chips and huge berms and it is very difficult to process that. I understand that in Europe there is an endeavour to ensure that those materials can be reused or recycled and I am wondering if you could comment upon that in regard to the auto industry and perhaps other large-scale plastic uses.

Dr Edgecombe: Yes, I can, Mr White. The company you refer to has been meeting with us and a multistakeholder group that represents the auto industry, the plastics industry, major auto shredders other than the one you referred to, the government of Ontario, the government of Quebec and people from the National Research Council to try to address this problem. You should realize that the cars being shredded today are 1979 to 1981 hulks, and of course the environmental concerns at that time were not as well developed as they are at the present time. We have work going on at the National Research Council analysing what the components are of auto shredder residue. We are carrying out experiments, actually, to determine if some of the foam can be rebounded and used in other applications.

There are some things that can be done with those materials today. For example, there is a calorific value equivalent to soft coal in those materials. However, that is not a solution that is acceptable in some jurisdictions.

Similarly, in Europe there is a lot of concern for older cars. The concern is coming into the United States as well and we are working very closely with our US counterpart, the Council for Solid Waste Solutions, on the issue. We feel that over the next year or so there is going to be even greater activity in this area, because we want to be proactive and address the issue before it becomes an overwhelming one and we are trying to play catch-up. But it is being addressed and the multistakeholder group is working on it.

Mrs Fawcett: Thank you for your presentation. How did you hear about Bill 143? Were you given any prior knowledge or did you ask to be allowed to put your input in, anything like that?

Dr Edgecombe: We run many programs in conjunction with the Ministry of the Environment here in Ontario, so we have very close contact with it. Consequently notice of the bill came from them and we thought it would be fit for us to make a response when the request went out to make submissions. We are one of those to whom the request went.

Mrs Fawcett: Before the bill was presented in the Legislature?

Dr Edgecombe: We knew it was being presented in the Legislature. We knew it had gone to committee. I suspect our knowledge of the state of it was perhaps a little bit late in addressing it prior to being introduced.

Mrs Fawcett: I would imagine you perhaps could have suggested some changes.

Dr Edgecombe: I could have made all these comments long before it ever received reading on the floor of the House.

Mrs Fawcett: As it stands, you would really like to see some amendments to that section of the bill.

Dr Edgecombe: What I would like to see are some safeguards built into the legislation so that there would be adequate investigation of the regulations that could fall under the onus of this omnibus piece of legislation.

Mr Cousens: That was a good presentation. You took four points and made them in a way that one would have a hard time not understanding them. The consultation one talks about process. As I talk with industry, as much a concern

as any is the surprises that government drops on it—not just this government, but any government—and the need for consultation and the way to have it. To me there is a lesson for all of us on that one. You are not involved in the Ontario Round Table on Environment and Economy or any of those associations where you would have an inside view with the ministry, I guess.

Dr Edgecombe: We have very close contact, so we know what is coming down and we have some hints of what is going to be in the other four initiatives papers apart from Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1. We have commented on initiatives paper 1. I think what we would prefer to have is more of a multistakeholder approach to the consultation. We do not know what others have said. The dialogue does not seem to be as productive as it might be.

Mr Cousens: The other issue—I would love to have more conversation with you; the time just does not permit it—is on the national packaging protocol. I worry a lot about what is happening with part IV of this bill, its impact as it separates Ontario from the rest of the country, either through the bill or the regulations that come from it, which can make Ontario an uncompetitive place to do business in. Has anyone done a financial analysis of the impact this bill could have on your business if we see an implementation of some of the worst scenarios?

Dr Edgecombe: We have not done that ourselves to the extent you might want.

1420

Mr LeClair: One of the difficulties with the legislation is that it provides all sorts of opportunities and empowers the minister to single out specific products. We can tell you that 39% of a very large industry in Ontario is devoted to plastic packaging and related products, but until you see specific regulations targeting specific products we cannot turn around and say that is going to result in 12,000 jobs in the Mississauga area or something of that sort, but certainly the potential is there.

Mr Cousens: There is an economic impact to this. I believe that as a businessman.

Dr Edgecombe: The economic impact is not difficult to see in a very general sense. If you have to make ketchup containers that are labelled specifically for Ontario and are quite different from what you would ship to Manitoba, it provides you with another product line, another inventory. It just multiplies. You ask yourself the question, since the province probably cannot control the border, "Should I take my packaging operation over to Buffalo and ship into the province and into the rest of the country?"

Mr Cousens: I just feel that if there are members of your organization who have a sense of what it will do to Ontario business by having regulations brought in that make Ontario non-standard with other provinces in Canada, then any information like that could be useful to Mrs Grier as she is about to confirm this bill.

Mr Wiseman: It is always interesting to hear ideas come forward from the public. I understand your group met extensively with the waste reduction office staff with

regard to regulations in initiatives paper 1. I would like to hear how many meetings you had, what the interaction was and what kinds of ideas were exchanged. Also, the minister has committed to consult on any future regulations. I think that is an important point to make.

Dr Edgecombe: We have had a lot of informal discussion with the waste reduction office. A representative of the waste reduction office appeared before my management committee and gave us some advance warning on the nature of the various initiatives papers that were coming down. We had casual conversations. We put in a written submission. There are some parts of initiatives paper 1 we have some problems with. We submitted that. We have had no written response but I have had, again, casual conversations. It is largely of a casual nature rather than a structured nature. That has been the input on that particular paper.

Mr Wiseman: Are you also aware that the minister has committed herself to consult on future regulations?

Dr Edgecombe: Yes. When the government came into power we were aware of a structure that would facilitate actually more multistakeholder input than perhaps had been seen heretofore. Of course that structure was divided into a number of areas that are pertinent to waste reduction, but we have not seen that structure coalesce. Perhaps it still will. It is still early in the game.

The Vice-Chair: The last question posed by Mr Cousens will be given to you in writing by the clerk. We would appreciate it if you could respond in writing prior to February 14.

Mr Cousens: Mr Chairman, I am not going to worry, because I think it is difficult; if you can, but do not put any extra pressure on yourselves.

Dr Edgecombe: We will provide some examples, Mr Cousens.

The Vice-Chair: Any additional information you have, if it comes in before February 14, becomes part of the record of this committee. If it comes in after that date, the committee will take it into its deliberations.

ZERO GARBAGE/SCUGOG

The Vice-Chair: The next group is Zero Garbage/Scugog, if they would come to the microphones, please.

Mr Kemp: Good afternoon. I am Colin Kemp from Zero Garbage in Scugog. Zero Garbage/Scugog was formed in September 1990 on Durham region's announcement of five dump sites, two being in Scugog. We represent citizens who were concerned about the site selection process and the manner in which it was carried out. There seemed to be no thought to alternative disposal methods and little regard to the disruption of residents' lives and jobs.

We have been actively involved in research on waste management and have made presentations to Durham region on reuse centres, a new type of waste facility, mandated source separation and product stewardship.

In November 1990 the Ministry of the Environment announced the takeover of waste management from the greater Toronto area municipalities. In June 1991 the minister announced an action plan for the waste crisis in the GTA and the formation of the Interim Waste Authority. These

decrees further extended the process and put a further strain on citizens previously under threat of a dump site on or adjacent to their property.

After the regional site report, it was obvious that landfill site selection was a political process, if not in the initial stages then in the elimination of sites by constraints and screening, and in the final stages by offering municipal incentives to ambitious politicians with a wish list.

We met with the IWA to help understand its mandate and explain our position. We worked with the IWA and were impressed with its draft summary and criteria document. We had some questions on the document, which were partly answered. This led us to the conclusion that giving the IWA any information would be detrimental to citizens and the environment in general. In fact, this proved to be true and is the reason we are here today.

Although we do not have any constitutionally guaranteed property rights, citizens do own property and have common-law rights. Bill 143 takes away this protection. The problem starts with section 7, the restoration of property clause. The term "in so far as is practicable" is vague, and who is to determine what is practical? Section 8 concerns notice to the land owner. It does not take into consideration that a land owner could be away for more than the designated time for notice or the possibility of a postal service interruption.

Section 9 would allow an inspector to obtain a warrant authorizing access to land he suspects would be suitable for a landfill site and then denies the property owner the right of representation before a judge or justice of the peace. The Charter of Rights and Freedoms, section 7, states: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." We suggest the exercise of provincial inspectors' powers under Bill 143 as it now stands would conflict with section 7 of the charter.

We believe this part of Bill 143 should be amended to require permission from the property owner and compensation, should testing be allowed. We also question if any justice of the peace would have the experience necessary to judge the merit of any landfill site inspection proposal.

The bill orders three new landfill sites for the GTA and then specifically invalidates sections of the Environmental Assessment Act in order to achieve this end. In a statement before this committee, the Minister of the Environment referred to the GTA's Solid Waste Interim Steering Committee's previous proposal to meet the waste crisis. Two new interim landfill sites in Brampton and Whitevale were granted exemptions under the EAA. Minister Grier said, "Our party, in opposition, had clearly stated that this was not acceptable," yet the same minister has introduced this bill, which would grant exemptions to the Environmental Assessment Act. The EAA is there to help choose the method least harmful to the environment and to look at other types of waste disposal or reduction. Abandoning the EAA process, as this bill will do, is not in the public interest.

Other sections of Bill 143 have been addressed by Durham region, but Zero Garbage, and I believe I speak for most taxpayers, objects to the provincial government mandating

programs that require municipal funding. If the provincial government takes on a project such as waste management, then it should be fully funded from provincial revenues.

We feel that selecting landfill sites, specifically in the GTA, may not be the answer. Alternatives do exist, but they seem not to fit the philosophy of this government. It is unfortunate that we have not seen any positive sign of the ability of this administration to handle waste management. The Interim Waste Authority, the waste reduction office, the waste management office, agree that product stewardship and mandatory source separation are the answer.

We understand that other parts of Bill 143 will attempt to address these issues. However, it appears the Ministry of the Environment is trying to find a place to bury waste as quickly as possible, then find ways to reduce and recycle without upsetting lobby groups. We think this process is similar to garbage export to a willing community—out of sight, out of mind—and will allow vested interests to abrogate their responsibilities.

1430

We need to see government action on reducing our wastes; for example, used tires. In January 1991, a report from the Ministry of the Environment recommended a safe method of tire disposal—cement kiln feedstock, with its proven technology. This has been rejected out of hand by the minister. Instead, we pay out millions of dollars to guard tire stockpiles and invest in a plant to produce crumb without a proven market. I may be wrong on that.

Another examples is LCBO containers. Instead of all taxpayers paying a high price for collection and recycling, why not let the user pay through a deposit system? We were advised by the Minister of the Environment that a decision was to be made in July 1991. Now, in January 1992, the latest information from the minister is that a decision on LCBO containers is to be made by the Ministry of Consumer and Commercial Relations, with no specific date. Soft drink containers: There is no need for non-returnable soft drink bottles and cans. Twenty years ago there were no non-returnable pop bottles. Other provinces have deposits on cans. We do not see why Ontario cannot return to refillable pop containers.

Taxpayers are presently subsidizing paper producers for silviculture. If their products are costed fairly, their recycled value becomes evident and the need for landfill is reduced. Yet again the Minister of the Environment has passed this to the Ministry of Natural Resources. The Minister of Natural Resources has said that subsidizing the forest industry helps it compete in world markets. I suspect this may be against GATT principles.

The absence of legislation to cover obvious recyclables does not create an atmosphere of trust in the government's plan for landfill sites.

In conclusion, we agree the need for waste management is urgent, but over a year has passed since responsibility for GTA waste was taken over by the Ministry of the Environment. We have yet to see some indication of the ministry's willingness to introduce what Zero Garbage believes to be simple legislation on high-profile material. We know much reduction has taken place, from composting to reusing and recycling, but the numbers are not accurate.

The export of garbage to the United States because of lower tipping fees has compromised targets for diversion from landfill.

We see this bill as a start, but would ask the committee to consider the precedent the bill would set on the rights of citizens and the right of government to change laws to expedite policy. We respectfully request that Bill 143 be redrafted to amend the sections that remove protection of the environment and violate citizens' rights.

Mrs Fawcett: Thank you very much for being here. This is Scugog's day, I believe, and we welcome you to the committee. This seems to be your bailiwick, but I am interested in what you think of the right of land owners and the right of inspectors to come in with police backup. Have you obtained any legal opinion on the powers under Bill 143?

Mr Kemp: Yes, we have. It is felt the Charter of Rights would apply there, only there would be a test case. No matter what, if it is still in there, a land owner still has the right to kick the inspector off and go through court again. So we might as well do it right in the first place.

Mrs Fawcett: Would you say then that either this section should be removed or revamped and amended in some way?

Mr Kemp: Certainly.

Mr Cousens: You stole my line. It is Scugog's day, is it not? We had a representative of your council here who made a very impressive presentation. Yours is too.

People are paying attention to what is going on at Queen's Park. It is obvious the direction you are taking is one that gives us all a sense of leadership about where we should be going. We really have to do something to reuse articles like pop bottles and other things. History has shown us there have been ways of doing that in the past. We are just playing around with it right now.

One of the worries I have is about landfill sites. I am pretty worried about Whitevale becoming one of the selection points in Durham, because the ministry would not release the list of possible sites. It has held that back. I am not sure why. You can never find answers to these questions when you are in opposition, so you have to hope that somewhere it will fall out. You raised the question about landfill sites and the process, using environmental assessment. I would like to take you off that a little bit. Have you any concerns as a group about where the landfill sites are going to be selected in Durham and the processes that are going to be followed? I guess you are concerned about the process.

Mr Kemp: I am very concerned about a dump site being down the road from me. Certainly I am. But we believe the Interim Waste Authority document is fair. We have had input into that and we believe it is one of the ways to go. The previous report done by the region was a political process entirely. They had an aim where they wanted to put it. This process seems to be fairer. However, we need a sign from the government that it is going to do something. We have no faith they are going to do anything, because there was obvious legislation, to me anyway, that needs to be implemented.

You can go back to the previous administration. They had or a similar answer on LCBO bottles. I have the correspondence from the previous minister. It is all up in the air.

Mr White: I would like to congratulate on your presentation. Earlier this morning, we had several of the same points made by one of your councillors, who is still with us this afternoon. The reminders you gave us on how vigilant we should be as a government in regard to the LCBO and other issues is very well done and very pointed. I believe your councillor suggested there might be some five sites in Scugog. Were those sites that were picked up during that shotgun approach about a year or so ago?

Mr Kemp: Yes, the MacLaren report by the region. Two were in Scugog.

Mr White: In regard to site selection, this is a very difficult process, of course. Not many people want a site down the road from them, although they might want it on their grounds for monetary reasons. But as to the powers of access which you and your councillor were very vehemently in objection to, to determine if a site is appropriate you need to look at it; you need to be on it. That is a violation of private property in the sense that one is enabled to gain access to it, but it would seem to me that it is appropriate because it is for a legitimate public purpose. We are not talking about damage to property but rather a public purpose here. What suggestions do you have in a situation like this, where you need to look to see if this land is appropriate? What are the dangers?

Mr Kemp: I agree it is difficult, but I think the government has the cart before the horse. Let's look at getting rid of some of the garbage. If people could see that the government was making a real effort to control the production of garbage by true product stewardship, then I think there would be less objection to some of the site selection processes.

With regard to getting on to various people's property, if you had a farm in an area that could possibly be a dump site, would you want to let people on there?

Mr White: Of course not, but it is still for a legitimate public purpose.

Mr Kemp: Yes, but we do not see it that way at the present time, because the government has shown no initiative to bring in mandatory source separation and product stewardship.

Mrs Fawcett: Under your alternatives you were talking about selecting landfill sites and methods that do not seem to fit the philosophy of this government. I guess we had ideas as to what the philosophy of this government is. Now myself, I am confused as to what really is its clear philosophy. Would you have expected that this government would allow all alternatives to be on the table and would go through a full environmental assessment and then make the decision on what it would consider best, rather than automatically ruling out, for instance, transportation of waste or incineration, without looking into that as even a remote possibility?

Mr Kemp: Yes, we would expect the government to look at all alternatives, bearing in mind that everybody understands, I think, that if we reduce our production of

waste, then the alternatives become very much easier to define and very much easier to choose.

1440

Mrs Fawcett: But as soon as you eliminate some, then you may have lost the absolute best way.

Mr Kemp: Right.

Mr Wiseman: I am intrigued by your paragraph 5 on page 2 where you say, "After the regional site report, it was obvious that landfill site selection was a political process, if not in the initial stages then in elimination of sites by constraints and screening, and in the final stages by offering municipal incentives to ambitious politicians with a wish list." I would really like you to expand on that and give me examples.

Mr Kemp: Very simply, we have a very strong objection to the potential in the IWA document for municipal incentives. It is very easy for an authority like, say, the Ministry of the Environment or the IWA to say to a couple of potential or really down to the bottom line potential communities, "We will build this recreation centre for you if you can help push it through." We know this type of thing happens.

That is where we see municipal incentives. In rural areas, like where I live and like where you are hoping or were hoping to put a dump site, it is easy to get the community centre for one particular ward of that community and just ignore the other outlying, more rural areas, which has happened with us. A small-town politician can get what he wants for the small town for a dump site in the boonies, as it were.

Mr Wiseman: You can have my assurances on this. The mere hint that any political interference is getting in the way of the Interim Waste Authority selection of a site in Durham or any other municipality will be received by me with the greatest amount of wrath that has ever been seen.

Mr Turnbull: When you look at alternatives, undoubtedly, as many of the experts who have come forward have said, one has to look at incineration. It does not mean you have to embrace incineration, but at least have an open mind on all of the alternatives for getting rid of garbage. One of the problems we have is a government that is philosophically blinded to that as an option I do believe it has arrived at that view for very decent reasons. There is nothing sinister about it. They have been stirred up to believe that this is something inherently evil.

How can you persuade people who have become frightened about an alternative to open their minds? I know that is a very leading question but I think it really goes to the heart of opening up this debate on incineration again. By that, I am not advocating incineration; I am just saying I think it behooves us to review it again.

Mr Kemp: I do not advocate incineration at all. Among our group, we have done some research into it and we do not like it for two reasons. One is the smokestack emissions. We can never be sure of the scrubbers working properly. Second, it demands fuel. It demands people produce garbage for it, so really it is a mill to takes garbage,

that really needs it and will not run without it. That is not the way to look at it.

Mr Turnbull: We had a rather interesting presentation this morning—

The Vice-Chair: Thank you, Mr Turnbull. Your time is up. Thank you, Mr Kemp. Before you leave, the parliamentary assistant has asked to clarify a matter that was raised earlier.

Mr O'Connor: I know a couple of members have raised, and you raised it in your brief at the bottom of page 5 and on to page 6, LCBO containers. The office of waste reduction was established about a year ago now and we have someone here, David McRobert, who maybe can address that. I know it is something committee members were concerned about and as members of the public I am sure we are concerned about where it is in the process and whatnot. I will ask David to respond and kind of update us.

Mr McRobert: Actually I would also like to address the matter of product stewardship, because that was also touched on. I know you have heard some comments on product stewardship and certainly this is an area of policy development the government has expressed support for. We happen to think that product stewardship is the way of the future for waste management. We in the waste reduction office think product stewardship offers a great deal of potential but it has to be applied very carefully as a policy area. How it will apply in the context of liquor bottles is unclear.

The possibility of imposing deposits on liquor bottles is under consideration right now by the government. The LCBO is not directly regulated by the Ministry of the Environment; it is regulated by the Ministry of Consumer and Commercial Relations. Our ministry is working with the Ministry of Consumer and Commercial Relations on development of a policy related to deposits on all beverage containers. It is unclear what decision will be made, whether there will be further development of the blue box model or whether deposits will be used as a mechanism to recover containers from the waste stream.

A study was done by Proctor and Redfern, which is a consulting company—It was released in late December—that suggests a deposit system for liquor containers would be quite expensive relative to blue box systems and there has been some concern expressed about which of the two systems might be better. There is no doubt that each system has very different implications in terms of who pays, and that point is very well taken.

The Vice-Chair: Thank you very much. Under the constraints of time I am forced to cut you off from further elaboration.

JOHN HASTINGS

The Chair: I would ask the next group to come forward, please: John Hastings, a councillor for the city of Etobicoke. You have 20 minutes, sir. We would appreciate it if you would leave some time towards the end of your brief for questions by members of the committee.

Mr Hastings: Rather than read the thing—most people can read and skip pages—I will quickly go through some of the concerns I have with this legislation, as a

municipal councillor having just read it about a couple of Saturdays ago.

Essentially what concerns me and some members of our council—I do not speak for all of them because they have varying views about this subject as well—is that this particular piece of legislation, if it goes through pretty well in the form in which it is presented, is going to be the classic downloading of costs on the municipality.

In primary consideration of that, I think this piece of legislation, if it goes through pretty well as it stands, even if they make some minor amendments to notification of the director and what the minister can do or cannot do, the end product is going to be—I do not want to be a gloomster and predict some sort of doomsday scenario, but I am chairman of our works and environment committee and this morning I had a meeting with our works commissioner.

We are going to be meeting with the chairman of the Metro works committee tomorrow at about this time regarding the future prospects of the blue box program in Metro. The Metro Toronto government, with the disastrous financial budgeting that it has to do in the next few months, is trying to change the agreement that was worked out in 1988 between Metro Toronto and the four area municipalities that are involved in the blue box program. This is a program with financing coming primarily from Metro—it comes from the same taxpayers' pocketbook, basically—in which they would pay certain costs of the startup and the operation of the program: trucks, the replacement of blue boxes, promotion, all that administrivia that is attached to such a program.

Now they have a proposal, in the midst of an agreement between the area municipalities—ironclad; it has been signed by different sides, representatives from the municipalities—and they are coming along and saying, "We're going to change this agreement in midstream, even before it runs out," which is October 30, 1993. I heard last night that Mayor Lastman is asking a whole pile of questions about the prospects and success—in his estimation; I do not agree with him entirely—about the future and the past of the blue box program in Metro and the costs involved. It is about \$65 a tonne if you take all the garbage and do no source separation, just take it and dump it somewhere, against \$190 for the blue box program when you do the recycling. One of the intricacies of this agreement is that Metro is trying to propose that there ought to be a cap on the cost of overtime to get the job done.

1450

I give you that background in light of what is in this bill. What is in this bill, from what I can see, is that if we do not make some changes or keep our options open, we are going to end up not being able to collect garbage, at the latest by 1995, and I think even earlier. Regardless of whether you have a renewal of the blue box program in Metro and you get recycled products being used etc, there is not going to be a place to dump it. Facetiously, although I am starting to think more seriously, I was thinking of telling my own constituents that perhaps they ought to look at the space they have on their property, and if they can find a little area and get a building permit to expand it,

maybe they ought to start looking at dry garbage being placed there.

You may think I am being absolutely absurd, but when you look at the practical consequences of what is happening and the dynamics occurring in the relations between Metro and the area municipalities—I hope I am wrong again—if we cannot resolve this financial impasse of a binding agreement, we are going to end up in the courts. We just went through this two years ago over tax collection. This is absolutely crazy, to think that we would be going to court and having a group of lawyers representing different municipal viewpoints, paying them X dollars per hour. We have not solved the problem at all. What I am primarily concerned about with a lot of the proposals in here is that we are going to delay and are not going to have a solution of any sort by 1995, even if you override all environmental assessments and impose stuff on us with no financial contribution to carrying out the job. Those are my major concerns.

Aside from that, I find some of the things in the bill absolutely hair-raising in terms of the powers a director would have, whoever this person is going to be, particularly in the area of overriding existing agreements among municipalities and with the private sector. For example, our city has an agreement that has been going on since 1984 with Waste Management Inc for the collection of garbage from high-rise apartments. Even that is under threat by Metro. They want to renegotiate that one. There is a dynamic in that one. This is one we thought we had settled for many years. We are going to end up, I believe, not having any kind of solution by 1995-96 if we sit around and say, "You can't do this and you can't do that, but here's what we're going to impose on you, and there aren't going to be any resulting financial contributions," or if there are they will be so minimal they will make very little impact on the local tax base.

I am not trying to be completely negative. Possibly, if you do not read this, my title suggests that it is another whining municipal politician coming down here blaming all the folks because they cannot get their act together. Maybe that is part of the tone, but if you read through it, I have tried to offer some alternatives. If you are going to go this route of a waste management authority, why do you not make it a full-fledged crown corporation, have it at arm's length from the government, have appointments at pleasure, all those sorts of things, and try to get the best input from people? If you are going to get a landfill site selected, give reasonable time frames for notices for people to appear.

Let's get away from the heavy-handed nature of this bill. I see from the Ministry of the Environment: "We know best and we're going to make you do this. It's really good for you. You should love being ground down." I would like to see a little more creativity in things. I made some suggestions. Possibly they are a little idealistic, but then this whole bill, to a great extent, is based on idealism, so I guess I am allowed to have a little idealism from that viewpoint.

I would like to see the Ministry of the Environment really look at its regulations in terms of trying to get recycled products moving. That is a very tough thing to do. It is

easy to regulate people; to give you a little example, regulation 309 regarding batteries. This one I had not even thought of. I got a call from a constituent of mine before Christmas with a suggestion: "Why can't we create a program, almost immediately"—he was being creative; he thought he was being helpful—"of keeping all the little batteries from beepers, razors and hearing aids out of the landfill and put them in plastic bags, keep them separated and see if we could get people to take these products and re-create them? If you cannot collect them through the blue box program, why don't you get your new director of waste management to get some retail stores going in this area?" But when I looked, I said: "You can't do that, John. There's regulation 309, which lays out all the groundwork for why you shouldn't do so."

The Ministry of the Environment has to protect us from ourselves to a great extent, but surely to goodness we need a little less heavy-handedness in regulations and a little more creativity, phraseology like—I do not see it in here, but if you went through it, there would be pilot projects and who you can contact. I had to make phone calls to find out if a pilot project would be entertained by the ministry for our city if we got into this area, either through the retail level of collection of barrels or through the blue box program. He said, "Yes, there would be some," and I thought: "My goodness, I'm getting a bureaucrat here who believes in a bit of creativity. We're not all heavy-handed folks."

My message is that if we have to have this legislation in the form it is, can we not at least, I would make a plea, lighten up a little on the heavy-handedness and allow the municipalities a little creativity and flexibility? We have picked up garbage. Etobicoke has the leading percentage of diversion from landfill in Metro, 21%, the highest, and yet we are going to get penalized under this bill, and especially under the future prospects of the recycling program, the blue box program, for being as cooperative and as efficient as we have been. We are going to end up not collecting the garbage. That is my greatest fear. I hope I am wrong, but I see indicators from hardly anybody that we are going to avoid that disaster the way this bill is written now. I hope that when the members read through this they will say, "Yes, there are a couple of possibilities we could look at." I hope I am not taken as being totally negative, although if you read the title only and forget the rest, it looks that way.

Mr Turnbull: I heard the comment of Mayor Lastman yesterday, which somewhat amazed me, and I wonder if you could comment on it. He was suggesting that a lot of the materials that are now being collected in blue boxes, to the extent that the markets have collapsed for them—that while it is being environmentally sensitively collected, it is then going back into the mainstream of garbage dumps because there is no market for it. Can you comment on that?

Mr Hastings: I do not have the exact costs, but I think the questions he asked at Metro are very relevant and valid. With regard to the newspaper program, it looks like we are going to have a lot of the old newspapers taken up, because we have now got the de-inking capability with the new plants, but with aluminum cans and a lot of the glass

the market has completely dropped out. There is not the market there was when we started on some of these products in October 1988 and into 1989 when we had a stronger economy.

Mr Turnbull: The problem, as I understand it from Mayor Lastman's comments, is that we are spending a significantly larger amount to collect it through the blue box program and then it goes back into the main waste stream, having added an extra burden to the taxpayer but not having achieved the thing we all feel very good about, that we have sorted our garbage and taken it out in the blue box.

1500

Mr Hastings: Long before Mayor Lastman raised these questions, I had raised with our own works commissioner whether with the white goods, for example—we had a problem with that last summer, with newspaper, before the new plants came on stream. Where was all the newspaper going? Where were all these products going? I would not be surprised—I am going to look into it; you can only do so many things a day, as we all can—if there were a lot of products we have sold the public on. I have been part of that too, because I believed in doing some recycling. We may have oversold ourselves a bill of goods with the public.

Actually I think that to some extent the credibility of the whole blue box program is at stake here, aside from the cost factor of storage. People will very quickly not put things into a box if they know that the costs are high and it is not ending up in a recycled product, that they are being stored somewhere. I do not think we have the full story from Metro on that, nor from our own officials. I think that is where this whole program is very shaky right now. I do not want to alarm you on that, but I think there are some concerns.

Mr Wiseman: You have raised some very good points. For me, this whole battle with Metro over the blue box program is déjà vu back to the early 1970s when it was looking for a landfill site and started a recycling program that went into the dumper as soon as it found a landfill site.

My question is about the emergency powers of the minister and the Environmental Protection Act. The minister indicated in her opening remarks that the authority would not be delegated. These powers have been used only infrequently. Given that context, do you have any other thoughts on these powers?

Mr Hastings: If you are going to go this route of one person having so much power, there have to be better time frames of notification of what he or she is going to ban. I think there have to be hearings, or if not hearings at least some mechanism of appeal, particularly with respect to the product bans and the bans on packaging. That to me is even more frightening than whether a director can order somebody to do something, because you are going to put a lot more people out of work, I am afraid.

Mr Wiseman: This is initiatives paper 1. There has been considerable consultation with the packaging sector, with the waste reduction office. This is an ongoing thing. The minister has indicated that these consultations are

going to be ongoing and that any resulting regulations will develop out of consultation.

Mr Hastings: If you are going to have consultation with the packaging industry of Canada about certain types of plastics and cellophane wrappings on things, let's at least get some time frames for it to build and make the changes. Let's have a database developed, if there is not one, as to how long it would be required for a ban to be brought in. You can see the difficulties when the city of Toronto decided suddenly to ban newspapers that did not have a certain recycled quotient in them by, I think, July of last year. They had to back off.

I do not think it helps your credibility, and I mean your governmental credibility across the line, when these edicts are issued and then cannot be followed through on on a practical basis. I think you are going to have to not just have consultation with an industry, but take some of the stuff it is suggesting and use it to some extent in the way you develop a regulation, so that you do not end up creating fewer jobs. That is the other major concern I have about this legislation.

Mrs Fawcett: Thank you, Councillor Hastings, for being here and presenting this. I think you have outlined some good alternatives. Whether they will be listened to is another thing. I was really interested in this concept of downloading, because all municipalities are really worried about that kind of thing. It just seems that governments do this to the municipalities. Also, the blue box being in jeopardy is a real concern. I do not know whether I heard any numbers. Do you have any idea what the cost implications of this could be?

Mr Hastings: Yes. If Metro does not stick to its agreement with the area municipalities, it is going to cost the city of Etobicoke approximately \$1.25 million for the three items on the agenda tomorrow, the biggest one being the overtime problem. Etobicoke has the best in terms of the blue box cost per tonne: \$74; the city of York is \$143 and North York is \$130. Metro Works Commissioner Ferguson is proposing a cap on overtime at \$125 a tonne.

We would maybe be okay for a few months into this if we end up going this route, but we certainly are not going to say, "Okay, guys, you can do this to us and we don't mind." We are not going to do that. It would cost us about \$5,000 in the first two months because of the way we have managed our time and the overtime. What our works commissioner has suggested to the other commissioners is that we share information more. The other item on that agenda tomorrow deals with promotion of materials. Metro wants to cut its cost from approximately \$75,000 to \$31,000, a 50% decrease.

They also want to have their particular newsletters and we want to have ours. My suggestion to them would be, why not give us the data and we will put it in our newsletter verbatim without changing a comma, to keep our costs in line. We want to co-operate to get things done. I have had problems with Metro on some of the ways it is doing things, but despite the problems, we kept working at it. But if this agreement thing is broken, that puts into jeopardy to

some extent the blue box program itself because it is affecting the very financial underpinnings of it.

The Vice-Chair: Now there are questions for the record.

Mr White: I was very impressed with your discussion of the problems with the blue box and the recycling of products. I believe some work is currently ongoing to enhance that. My question is really for the parliamentary assistant. What is currently going on in terms of market development for recycled products?

The Vice-Chair: Mr Cousens.

Mr Cousens: No, I do not have a question.

The Vice-Chair: Thank you very much. That takes you off the hook because that question was posed to the ministry.

PATCH FARMS

The Vice-Chair: The next group is Patch Farms. Would you come to the microphones, please, and identify yourself for the purposes of Hansard. You have 20 minutes to make your presentation and we would appreciate some time towards the end for questioning by members of the committee.

Mr Redelmeier: I certainly appreciate the opportunity to tell my story. Our family has owned Patch Farms and we have farmed there for over 50 years. I first want to highlight the points I want to make. We farm right next door to the Keele Valley landfill site, so I can tell you from firsthand experience what the detrimental effects are and how they could be prolonged and worsened if this legislation is passed.

I do not need to tell you that the Keele Valley landfill site is the largest landfill site in Canada and one of the largest in North America. If this bill passes, we will be deprived of our long established right for a public hearing before an impartial tribunal with the assistance of the necessary consultants. I consider it a breach of common justice that the right we have had all along since before the present cycle was established should be taken away from us just by the stroke of a pen.

Our family immigrated from the Netherlands in 1939 and we purchased our farm the following year in 1940. We have farmed there ever since in as productive and environmentally responsible a way as we possibly could. In the process, we have developed one of the best herds of purebred Jersey cattle in the country. Our milk production has increased year after year. Our breeding stock has found ready markets all over the world. In Canada, in the United States and in Central and South America we have been recognized as a leader in the field, with all due modesty.

1510

The Keele Valley landfill site was established directly across the road; that is, directly on the other side of Major Mackenzie from what we call our west farm where the whole milking herd is kept. The location is in a mined-out gravel pit. We like to think the name Keele Valley is a misnomer. It is actually what would be more appropriately called the Upper Don landfill site because the east branch of the Don rises in that area that is now the landfill site. I would also like to point out something that probably has

been done to you already, that this is part of the Oak Ridges moraine that we and the Ministry of Natural Resources and other agencies are anxious to preserve.

When the Keele Valley landfill site was established, this was only done after provisional approval was given and it was only done after very lengthy hearings. They were lengthy, were very thorough and were all very much open to the public. The hearings lasted a long time. When the first applications were made they were refused because it was not shown that they were environmentally sound. A new application was made and this was heard under the Environmental Appeal Board, and the board ruled that provisional approval should be given. But that approval certificate contained 31 clauses and subclauses for the protection of the environment, the neighbouring farmers and other residents. There were 31 clauses in that provisional certificate of approval that had to be observed by the operators.

As a result, I think the operation is acceptable. I take my hat off to Metropolitan Toronto for operating the site in the best way it possibly can. If there are problems, they try to alleviate them as best they can, although in some cases that is just impossible. Under the circumstances we have been able to carry on farming. We know there are times when there are garbage smells that are rather pervasive. There is blowing dust, blowing sand and blowing debris. The blowing debris at times has included throwaway diapers that have blown over our land. There is a nuisance of birds and other vermin, and of course the truck traffic. There are a thousand truck movements every day and a large proportion of those pass right by our gate on Major Mackenzie drive. However, we have been able to manage. The ministry monitors the quality and the quantity in our wells and streams and assures us that so far the quality is within its parameters. There are one or two substances that are somewhat abnormal, but they tell us not to worry about it.

I have been a member of the Keele Valley Liaison Committee which consists of members like myself who are neighbouring farmers and others from the community. There are the chairmen of various ratepayers associations, the municipal council in Vaughan, representatives from Metro, both politicians and staff, and representatives of the Ministry of the Environment and so on. In my capacity as a member of that liaison committee I have access to any reports that have been issued. The ministry and Metro Toronto are very open in making those reports available, although sometimes it takes two or three years after those reports are published.

There is a four-foot thick liner that protects the aquifers from leachate. The latest report that has been made available to me covers 1988 and it indicates that 70 centimetres of the 120-centimetre-thick liner have already been penetrated with leachate. They also indicate that there are a great many observation wells drilled in and around the landfill site and they show how far the pollutant is migrating. So far, the closest observation of that pollution is in a well that is about 100 metres from our well. So far, we are safe.

What I am concerned about is the enlargement of that site that is made possible by this legislation. A site could be enlarged, could be operated over many more years in contravention of the provisional certificate and without

any hearings of any kind that are open to the public and open to me to indicate my concern. The approval would be given by the minister or officials and it is my experience that even with the best will in the world, the officials cannot substitute for my input.

In other words, after lengthy and thorough hearings that have established the safeguards that are in the provisional certificate, the assurance was given and we were led to believe that our environmental interest would be safeguarded. Those are to be denied by this legislation.

To me those proposals are against the fundamental justice system under which we live.

Mr Wiseman: It has always amazed me how the powers that be determine that the best place for a landfill site is on top of an aquifer or beside a creek or beside some body of water. It is the same in the riding I represent, which is Durham West. We have the Brock West landfill site which is considerably worse than Keele Valley. We also have the unfortunate pleasure of receiving the leachate that is collected from Keele Valley because it is put into the sanitary sewer system and goes to the Durham-York system. It is processed about as far away from my house as you are from Keele Valley. So it is not without a considerable amount of concern that I approach the topic of the extension of the Keele Valley site. It may be far away in terms of geography, but it is very close in terms of what could happen in the ecosystem approach to the world that I think we see.

We have heard that this is the best engineered landfill site in the world. We also know that there are going to be studies done, and the minister has indicated and has committed herself that if the extension cannot be done safely, it will not be done. Can you comment on that?

1520

Mr Redelmeier: If the minister is so sure that it is environmentally sound—and that goes further than just saying “safely”—she should not be afraid to have this opened up to a proper environmental hearing.

Mr Wiseman: In terms of that, can you give us some kind of schedule or some kind of approach to a full Environmental Assessment Act that would meet the requirements of yourself and the fact that capacity may be needed before a full Environmental Assessment Act is completed? How do we get a full Environmental Assessment Act done in time to have the capacity necessary?

If you can answer that question, I am sure the Interim Waste Authority would be really quite interested in hearing how that could be done so that this provision of this bill would not be necessary. That is the fundamental question.

Mr Redelmeier: Let me just straighten myself up. As far as I am aware, the Interim Waste Authority is looking at long-term sites and is not looking at this site.

Mr Wiseman: They would be interested to see how they could do that one quicker too, I would think.

Mr Redelmeier: They had workshops, and I attended one of the workshops of the society. They had a schedule indicating deadlines when certain activities would take place. According to their schedule, their work would be completed in five years' time.

Mrs Fawcett: I too have a problem really understanding the whole leachate collection and what is happening with the plume. We had a similar thing with a major landfill site in Northumberland where the plume reportedly was only moving so quickly and therefore the neighbour did not have to worry. Then within months it was sort of at the line. It had moved a lot more quickly and it was not being looked after, and so the municipality had to purchase the farmer's land.

I worry, as you must be worrying: How good is the liner? What is the capacity? If they are going to put more garbage on top and all those things, do you know who is responsible for tracking this and making sure it is safe? We hear that somebody is collecting data, and I know the data are not always correct. They do not know how quickly things can happen.

Mr Redelmeier: In that respect, it was mentioned that it was called possibly the best-engineered landfill site in North America. I can accept that because Metro is under requirements. Metro is required to have independent consultants who monitor a number of things: the integrity of the liner, the flow of the water and water quality. They have to issue reports. Those reports are assessed by other independent consultants from the ministry, and they bring in the reports.

The reports are very slow in coming. As I mentioned, the latest one is 1988. But I think I pretty well trust those reports, and when those reports tell me the water in the well is within their parameters, I accept it. I am not sufficiently an expert to be able to tell you whether those parameters are too loose, but they are within the parameters.

Mrs Fawcett: There are the time constraints of an environmental assessment; I realize that. But to just throw it out completely—there has to be some way the public and we can be absolutely sure that people like you will not be in danger of losing your water system and so on.

Mr Redelmeier: With respect, the time constraints are not nearly as severe as they are made out to be. Our liaison committee has been told that there is capacity for at least five more years in Keele Valley. Of course, the Interim Waste Authority claims it will have permanent sites ready within five years. Give or take a year or two, I think there is still lots of time for a proper environmental assessment hearing.

Mr Cousins: When Mr Redelmeier made his presentation, I do not think he really conveyed to the committee the high esteem and regard in which he is held in his community, which is very close to the one I live in. Certainly I respect immensely his opinion and his presentation.

Francis, you are close enough to it that you have a sense for it, and to me you say it well; you touch on the rights of a citizen. But then I know you as an environmentalist as well, very concerned with the future of our environment. We may have a hearing on the extension, expansion and adding to Keele Valley, but if there were a hearing—this is a hard question to a good friend—what would be some of the issues we would want to raise? I think you have touched on them, such as the Don and the way it is going to be. It is being corrupted now, its headwaters. But

what are some of the issues that would be raised for public hearings on the expansion of Keele Valley?

Mr Redelmeier: One of the things that may not have come out very well is that one of the conditions in the certificate of approval is that the height of the fill shall not exceed the highest point of the land before gravel is extracted. There is a definite limit given: 1000 feet above sea level. It is one of the most prominent places in the area. If it is raised still more, it will become a real landmark visually and one that is part of our environment. It will become a horrible eyesore when you drive by there, like we do when we stand outside the barn and look that way, seeing truck after truck unloading tons and tons of papers, flying papers. They are right in front of your eyes. That is another part of the environment that should not be desecrated any more. According to the certificate of approval, the land is to be covered and made into something that is attractive, but this is postponed indefinitely by the proposal in this act.

MARGARET CRANMER-BYNG

The Vice-Chair: I would ask that the next witness, Margaret Cranmer-Bying, come to the microphone, please. You have 20 minutes to make your presentation. We would appreciate it if you would leave some time towards the end for the committee to pose questions and make comments.

Mrs Cranmer-Bying: My name is Margaret Cranmer-Bying and I am a resident of Thornhill in the city of Vaughan. I have come before you today as an ordinary, very concerned citizen. I am active with my local ratepayers' group. I am also a member of environmental and naturalist groups, and I think these interests of mine are reflected in the concerns I bring before you.

I would like to express my strong support for a major portion of Bill 143. I feel that a Waste Management Act is badly needed. Strong measures to encourage and require waste reduction, to reduce packaging and to drastically cut down on the amount of material going into landfill sites are things that environmental and community groups have been advocating and will continue to support.

1530

I would like to interject here, having heard a previous speaker talk about the loss of jobs due to a reduction in packaging, that I feel we have to reduce packaging, period. We have to reduce what goes into the landfill sites, and the jobs must be relocated. We cannot expect everything to stay the same. There must be change. There is a growing awareness of our need to change our ways even if it causes us inconvenience. We can accept this change and personal sacrifice and we welcome strong legislation to make it happen.

What we cannot and must not accept is legislation which fails to protect our natural resources, our streams, and particularly our groundwater from potential degradation in either the near or the distant future. I think there is a profound shift in the way that thinking people view the land and its resources and there is a growing feeling that today's actions make tomorrow's heritage. When we speak of the future, we do not just want our government to think for the next five years. We want you to make sure it is all right for the next 50 or 100 years.

For the sake of our children and grandchildren, we cannot accept legislation which gives a government the power to override the proper process by which environmental impacts are measured and judged. When I read part III of the bill, I was shocked. A short-term solution which could cause long-term harm is no solution. I believe no government should give itself the power to do this.

I would like to emphasize some specific concerns that I have with respect to the Keele Valley landfill site. I am not directly affected by Keele Valley—that is, by smells, dust and noise—but I am well aware of its vast size and its location at the headwaters of the Don River, which flows into Lake Ontario, the source of drinking water for millions of people.

What are the long-term implications of loading more into this dump than it was planned to receive? When I speak of the long-term implications, I would like to suggest that there are many uncertainties in the future, one of them being the possibility of global warming and climate change. This possibly could cause reduced levels in our lake, in which case pollution of the water would be much more severe. I think this is an implication that we would want our government to consider.

Questions that we do not have the answer to: Who knows what has already gone into that landfill site? How much hazardous waste has been dumped over the years before the special collections were set up? How much is still going there inside green garbage bags? How can this be adequately treated if seepage does occur? What toxic substances could show up in Metro's drinking water?

These uncertainties prove to us that the environmental assessment process must not be cast aside and that our environmental rights must be respected. I would strongly urge that part III of Bill 143 be deleted. The other, proactive measures could then be approved and implemented and the Interim Waste Authority's search for new landfill sites can then resume without further delay.

I would just like to finish by saying that I attended one open house and two workshops, one in Metro and one in Scarborough, and I believe that if they could just get on with the process, it could be finished ahead of time. People at the workshop were suggesting ways of speeding the process up by tightening up the criteria right from the start, rather than having loose criteria to start with and a long list and then another process for short-listing. If this could be compacted and put into a shorter length of time, I believe there is a very good chance that a new landfill site could be safely found and safely made by the time our existing sites are filled, if we all work together. I feel there is a very strong impetus from the community to see this does happen.

Mr McClelland: You have said in your conclusion that the uncertainties you set out so well in your summary prove that the environmental assessment process must not be cast aside and that your environmental rights and those of your neighbours must be respected.

Mrs Cranmer-Byng: All of us, yes.

Mr McClelland: You will hear from many people, and it has been put before this committee that certainly with respect to Keele Valley there is an opportunity to

conduct hearings. Many have suggested that in fact you could have a full environmental assessment. That has been suggested. The position of the government is, "We will do our best to try to accommodate that."

On the other hand, the same government had indicated at one point in time that absolutely nothing will happen without an environmental assessment, so it is not a great deal of comfort, I would presume, for people such as yourself to hear from this government, "We will do our best," particularly in light of the fact that it has clearly broken a promise made to you and, I would suggest, to millions of people across Ontario by implication. That is the ultimate conclusion one must draw. They have made promises, they have broken them, and that impacts on every resident in the province.

The reality is that a lot of people are not really excited about this right now. A lot of people in the press say: "This is just another routine that we're going through because it's people who don't want garbage in their backyard. We have heard it all before. These are arguments we have heard and it is more garbage and there is not really a story here."

How do you respond to that in terms of the impact this has on you as a person, and potentially on everybody in the province? I guess what I am looking for is whether you can, in your own words, help us somehow try to paint a picture of the potential gravity of what is taking place here with respect to the parts of the bill, specifically parts II and III, that you feel so concerned about. You mentioned specifically part III.

Mrs Cranmer-Byng: Yes.

Mr McClelland: How can you as a citizen try to impress upon our friends in the media and elsewhere in the province the seriousness of what is at stake here?

Mrs Cranmer-Byng: I think there are two very important things. First, to follow up on what you have just said, if this legislation goes through—we are being told by the media that it is for reasons of emergency and expediency—those arguments could be used in all kinds of different situations where a government wished to do something it had said it would not do, had legislated against doing, and then wanted to change its mind without a hassle. The implications of overriding legislation are very great.

Mr McClelland: Does that remind you of something you would expect in Ontario, or is it something you would expect, quite plainly, elsewhere in the world and perhaps a generation or two past?

Mrs Cranmer-Byng: I certainly do not expect it in Ontario.

Mr McClelland: It seems to be more consistent with ideology that was born 30 or 40 years ago, or longer, and the great experiment with that type of ideology has failed everywhere else in the world but here, apparently.

Mrs Cranmer-Byng: I think there is a lot of sympathy for any government in power, and it does not matter which particular government it is, that has to deal with a problem like this. It is a serious problem, but it is almost like an overreaction. It is like a panic situation and we do not feel this is justified. We do not need a War Measures

Act; this is something that can be handled by the existing legislation.

1540

Mr McClelland: It is interesting. When I referred to this as the environmental War Measures Act, the NDP laughed at me and said that was foolish. I notice they are not laughing at you today.

Mrs Cranmer-Byng: No. The second thing I would like to say—I did not put it on my page here—is that, as Mr Redelmeier said, the setting up of the Keele Valley landfill site was done under the Environmental Protection Act and it was done for a certain capacity. I feel very strongly that this should be adhered to. Vaughan has always been promised that when the dump is full, the dump is full and somebody else goes.

Mr Cousins: This could well be York region day again. I noticed Margaret Cranmer-Byng was coming and then she came into the room. She is another person I have known for a long time. I am really impressed and pleased that you are here making a presentation. Margaret is one of the people to whom I have turned for help. I do not think you have helped me enough; I need a lot where I am coming from.

I leave myself open—New Democrats love it when a Tory leaves himself that wide—but we are all learning from this. One of the problems I have with this bill is that I would like to just touch on the area that has to do with packaging and what is going on in that. I want you to help explain what direction you would take on it. Should Ontario take a position that is different from other provinces on packaging guidelines, even though it might be the right thing environmentally but could make it economically uncompetitive for businesses in Ontario to stay here? That becomes the matter I am trying to deal with. I think the guidelines are good, but at what cost? Could you comment on that and the philosophy behind that on packaging?

Mrs Cranmer-Byng: I cannot answer that completely because I know that within the packaging industry there are a lot of weighting factors I am not aware of. I feel that in general the best thing would be to reduce packaging by incentives rather than by rules. That is idealistic. I feel there is a lot that could be done to reduce unnecessary packaging but the product could be just as attractive. We do not want products to be so unattractive that nobody wants to buy them. Among some members of the public, when a thing is overpackaged, it puts them off. I think this is the area we need to play up.

As regards how much legislation or how that legislation will detract from Ontario's retailers and manufacturers to be economically viable, I do not know. I would not want to harm Ontario's manufacturers or retailers, but I think there is a great deal of room for improvement.

Mr Wiseman: Thank you for your presentation. You probably heard my comments earlier, and there is another part to this story.

The selection of site P1 in North Pickering was done somewhat arbitrarily and even the engineers said it would be a hydrogeologically difficult site to turn into a landfill site. The reason they said that is it sits on an aquifer that

feeds three creeks, the Little Rouge, the Petticoat and the Don, but they were going to go through an environmental assessment. My constituents agreed with me and agreed with Ruth Grier and said that was not acceptable. In the process of doing that, both site P1 and site 6B, which have exactly the same scenario in terms of short-circuiting the EA—by the way, we as a community never asked for P1 to be pulled. We asked for a full Environmental Assessment Act hearing, but it was so difficult it was just unbelievable.

My question has to do with the consequences of maintaining that promise and what that has led us to, and that is a problem with where garbage goes. In Peel, for example, the Britannia landfill site was scheduled to close in June. There is a gap that was to be closed. Where would they put their garbage, because site 6B was removed? The other part of the problem is, where would Metro and Durham put their garbage? It turns out that Brock West, which is also in my riding, has capacity because of the lower volume going into it. My question to you is pretty much the same question I presented earlier, about the minister saying that if it cannot be done safely, it will not be done. The other part of the question is, how do we make sure, under a full Environmental Assessment Act hearing, that we do not have a problem in two or three years because we do not have any capacity?

Mrs Cranmer-Byng: I remember seeing the minister on TV, on the steps of the Legislature, saying, "If we find it's bad for the environment, we won't do it." Our concern is that so many decisions have to be made and are made without complete knowledge. Knowledge is so infinite. I believe there is still a lot that is not known about hydrogeological conditions. By the time it might be found out, "Oh, no, it's not safe," we might have received a whole lot more garbage. How are we going to undo the damage? I think my position would be that we have to know ahead of time. As I have just said, a landfill site that was planned for a certain capacity should stick with that capacity. Supposing there is a shortfall say of a year, even if it means a short-term, top-of-the-ground, pile-type dump to tide us over, surely that would be environmentally better than extending the life of either Keele Valley or the landfill site near you without knowing the implications for 50 years.

Mr White: I was very impressed with your support for the proactive moves in part of the bill with regard to environmental protection and reduction in materials. Do you think this bill should become even stronger when it comes to regulating packaging and waste materials?

The Vice-Chair: Mrs Cranmer-Byng, that question will be given to you in writing by the clerk. If you could respond prior to February 14, it will become part of the official record. Otherwise, the committee will take it into its clause-by-clause.

1550

BROWNING-FERRIS INDUSTRIES LTD

The Vice-Chair: Our next delegation is Browning-Ferris Industries Ltd. Perhaps you would come to the microphone and identify yourself for the purposes of Hansard. You have 20 minutes to make your presentation,

and we would appreciate some time for questioning by members of the committee.

Mr Hatch: My name is Douglas Hatch and I am the senior vice-president, corporate development, and a director of Browning-Ferris Industries Ltd, a Canadian corporation that provides a broad range of waste management services across Canada. We have our head office in Etobicoke. BFI Canada is the second-largest waste management company in the country.

I have distributed for you today a written submission.

Mr Cousens: A big one.

Mr Hatch: It is a big one. There are a lot of important things in there, but I will not have time to read it all out to you. There is a description in more detail about my background and that of my company and the business it is involved in.

I would like to point out that while we do operate some landfill sites in Canada and have some active landfill projects both currently and prospectively, we have a much higher level of activity in the recycling and waste processing area. There is a major transition happening in our industry that is affecting our company as we come to grips with the challenges of the 3Rs. Our customers require those services and we must respond to what our customers are asking us to provide.

Before paraphrasing from the text of the submission, I would like to point out there are three important attachments in sections II, III and IV. In section II there is correspondence I sent to Mr Drew Blackwell in December and copied to the Minister of the Environment, being my company's response or comments on Initiatives Paper No 1 regarding the 3Rs.

In section III there is a letter addressed to this committee from one of Canada's pre-eminent hydrogeologists, Mr Grant Anderson of Gartner Lee Ltd. Mr Anderson identifies, from his work for the Ontario Waste Management Corp, the distribution of the widely varying soil conditions throughout southern Ontario and their relative suitability for waste disposal. You will see there is appended to Mr Anderson's letter a map that shows the soil classifications.

In our view, there is ample technical expertise and field experience to make the following conclusions:

1. There exists in parts of southern Ontario an abundance of deep, dense clays that offer a very high degree of environmental safety for landfill. Few jurisdictions in North America have these conditions available to them.

2. The soil types in the GTA are not within the preferred class of soils for landfill. Landfill in the GTA will require man-made barriers to leachate migration, all of which will eventually fail. This primary reliance on man-made barriers is unnecessary in Ontario and does not conform to existing Ministry of the Environment policy on landfill siting criteria.

3. Bill 143, by further forcing waste disposal in the GTA, does not put the environment first. Instead, we are repeating the mistakes of the past, made at a time when, because we were environmentally ignorant of the harm from leachate contamination and because of economic expedience, we proliferated sites on the outskirts of every

town, village and city, irrespective of the soil conditions and the consequences for environmental safety.

The third attachment, appearing in section IV, is a paper I recently delivered at a joint international waste management conference held in Toronto. That paper is on the subject of developing relationships with host communities regarding a landfill project. The key point for consideration from that paper is that there is very little opportunity to develop a constructive host community relationship unless the environment is put first. The siting of a landfill must meet the highest environmental standards.

In the time available, I would like to briefly review what the key objectives of regulatory policy on waste management should be, how Ontario measures up currently and what the major obstacles are to reaching those regulatory objectives. I will conclude with a recommendation for six new principles to underline reform of the regulatory system.

We believe the following should be the three key objectives of Ontario's waste management policies to create an effective regulatory system. It is against these key objectives that Bill 143 and any other new legislation and regulations should be assessed:

1. Protection of the environment should be the first and primary consideration. Ontario should take a leadership role in setting environmental standards for waste management facilities.

2. Ontario needs to provide for its own waste management solutions and not continue to export much of its waste to Quebec and the United States.

3. Ontario needs a sustainable program on 3Rs capable of diverting 50% of solid waste from landfill by the year 2000.

How is Ontario doing currently against these objectives? Except for the 3Rs, it is doing very poorly. Even with the 3Rs, the sustainability of a program that will reach the year 2000 target is in doubt, but there has been some progress. Certainly the 50% target is achievable, but future progress will be increasingly difficult and more economically burdensome if the government continues with some of its current approaches.

As for the other two objectives, on the export issue, we export for disposal to Quebec and the United States most of our hazardous and biomedical waste. More recently, significant quantities of solid waste from Halton and the GTA have been sent to US landfills. This is irresponsible in our view inasmuch as Ontario has the means to manage this waste within its borders if it had the will or the resolve to establish new disposal facilities.

The lack of facilities also has implications for the environment. Ontario has fallen seriously behind other major North American jurisdictions in environmental standards on waste management. The regulation that sets standards for landfill sites has not been significantly amended since it was created 20 years ago. There are many operating sites in Ontario that were licensed without a public hearing and have only an antiquated regulation to operate by. Many of these sites were not sited in proper locations. There are environmental problems.

New innovations in landfill management practices, of which there have been many over the last 20 years, have not been applied generally but do become applied when a

site goes through an approval process for site modification, and they end up with new conditions attached to their licence.

If Ontario put the environment first, it would take a leadership role in setting standards for landfill sites and close those that cannot comply. That is what the environment and the public deserve, but it is not happening. It would make the disposal capacity shortage even worse, and by shutting down a lot of local inadequate sites, the minister's principle of local responsibility for waste management would be impeded.

As for the obstacles to meeting the three key regulatory objectives, I think there are three main obstacles: (1) an unwieldy and ineffective approval process; (2) the minister's policy on local responsibility for waste; (3) the government's attitude towards the role of the private sector in waste management. I will touch on each of these briefly.

It is time we faced up to the fact that the Environmental Assessment Act has been a failure and that major reform of this approval process is desperately needed. The principles underlying the act are well intentioned and appropriate. In practice, however, it is too vague and unwieldy to operate in an adversarial process. It is a field day for lawyers whose clients wish to delay, obstruct or defeat a proposal. The experience with defeated proposals does not lend itself to the conclusion that the environment has been better served by the result. More commonly, improvements to the management and preservation of our environment have been precluded.

Apart from the results that have been produced, the process is also too costly and too lengthy for proponents, whether they are from the public sector or the private sector. In the past decade, public and private sector proponents have spent several hundreds of millions of dollars, perhaps over a billion dollars, on waste management planning and environmental assessments for disposal site projects. Ontario has virtually nothing to show for this expenditure.

The environment, as the predominant issue in the approval process, often becomes submerged by the social or political issues that typically surround projects considered under the Environmental Assessment Act. The practical application of the act has failed to result in a process for a balanced consideration of factors that are relevant both to the environment and to the public's acceptance of the project. Other regulatory jurisdictions have managed much better in defining an approvals process that fully addresses environmental issues and allows for public participation.

The failure of the Environmental Assessment Act is evident by the historical level of political intervention by the government to exempt projects in whole or in part from the legislation. Bill 143 is a further example of such intervention. Major expansions to existing GTA disposal sites are being authorized not only without the evaluation of environmental effects among alternative approaches but also without the benefit of a hearing.

Further, and more dramatically, the long-term development of waste disposal sites for the GTA, which is undoubtedly the most significant waste management undertaking in the province's history and, likely, for the next two decades, is being effectively exempted from the requirements of the Environmental Assessment Act.

Although the long-term siting project is not formally exempted from the legislation, that is mere form and not substance. The consideration of alternatives is so restricted that in reality this approval process is akin to the sitespecific technical assessment of impact on the natural environment that is provided under part V of the Environmental Protection Act.

The minister has done her own evaluation of the alternatives and she will have precluded, by Bill 143, the Environmental Assessment Board from conducting an objective evaluation based on evidence for reasonable alternatives to large landfill sites in the GTA. The minister rejects export of waste to other communities in Ontario and she rejects the use of incineration. If her basis for this conclusion is sound, why not subject it to the scrutiny of an independent, quasi-judicial tribunal?

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Her rejection of alternatives is based upon a belief that other communities should not have to resolve the GTA's waste disposal problems. The fallacy of the local responsibility issue is discussed in the next section, but even if there was legitimacy to this position, it presupposes that there is, within the GTA, environmentally suitable locations for landfill. That is not the case, especially when there are much better choices available within the province.

In our view, this is a trading-in of the environment in favour of the pre-eminence of local responsibility, which is a serious and indeed dangerous tradeoff for the environment, and entirely unnecessary. In our view, the best course of action is to reform the Environmental Assessment Act immediately and let the issue of GTA waste disposal undergo a proper evaluation of alternatives. There is still plenty of time to do this if there is political will to proceed.

On the issue of the political focus on local responsibility, the minister has stated her belief in a conservator society, in that we cannot transition ourselves from a consumer society to a conservator society unless, on a local basis, there is responsibility taken for the management of waste. However, we submit that furthering conservation goals does not require a waste management regulatory system that is defined by municipal or other political boundaries. Indeed, our ability to meet the three key objectives I have outlined for an effective regulatory system will be significantly impaired by carving up the province into municipal waste fiefdoms. This issue has implications not only for the siting of our future disposal facilities but also the implementation of important recycling and waste processing infrastructure.

On the siting of disposal facilities, the minister has expressed the belief that people will generate less waste if they have a landfill in their backyard. Can we seriously accept the proposition that people will generate more waste in the GTA if waste is exported to sites outside the GTA? Has the historical use of GTA sites to this point affected the rate of generation? Do people or businesses in the city of Toronto even know where the Keele Valley landfill site is? Will they generate more waste if the waste is shipped elsewhere? Why does local responsibility not apply to hazardous waste and biomedical waste? Is it because the minister thinks that all solid waste landfills are environmentally the same? She is quite wrong if she does.

We can see no basis for linking generator behaviour to the location of facilities for processing or disposing of waste. We suspect the minister is trying to act as a protector of other communities. Certainly there is a social fairness issue for a host community that is often a very sensitive issue for it when it is being asked to receive other people's waste. We think, first of all, that it is an issue for those communities to determine. Furthermore, the fact of the matter is that unless we wish to continue with the proliferation of small sites improperly sited within every population cluster, landfill sites will also receive waste from areas outside the immediate community that experiences the site as its neighbour. Surely Vaughan is already an unwilling host for Metro garbage.

However, if we are to put the environment first, we should pursue a policy of fewer but better sites. Fewer sites is only progress if we put sites in the most suitable environmental conditions. If we set a lesser standard, then communities everywhere can complain that their neighbouring municipalities should look after their garbage. If we set a high standard, we can start to build public trust in the environmental safety of these sites. There is opportunity from that basis of no compromise on environmental protection to develop a supportive host community relationship. We have succeeded in doing this in this province and elsewhere, and we know it is not impossible for others.

With respect to local responsibility and 3Rs, we are witnessing the delegation of waste management approval powers to regional and county municipalities. The direction of government policy is to make those area municipalities responsible not only for the residential waste, which has been historically collected by local municipalities, but also the privately collected industrial, commercial and institutional waste. These municipalities are increasingly becoming waste regulators as well as waste operators. It is, in our view, an inherent conflict of interest. It is analogous to the federal government investing authority in Petro-Canada to regulate the other Canadian oil companies. There are many examples currently of obstruction of private sector initiatives to invest in 3Rs projects which do not serve the key objectives of an effective waste management regulatory system.

As legislators, you should realize that waste, as well as the reusable material derived from waste, are commodities that have market value and will flow according to the market systems for such commodities. The Soviet Union has demonstrated the futility of a planned economy attempting to allocate resources and control the flow of goods and services. These planned approaches provide misallocation of resources and create diseconomies of scale and other economic inefficiencies. It also fosters conditions conducive to black markets.

Such results are not only substantial business perils for a company such as ours but produce unnecessary additional cost that will impede Ontario's progress in meeting the key regulatory objectives. If Ontario is serious about 50% diversion by the year 2000, then it needs an efficient, economically rational market economy for waste and derived materials. The government of Ontario has the means

to positively influence such a market economy, but we do not currently see it moving in that direction.

The final area is concern about the government attitude towards the private sector. In our view, Ontario is missing a substantial opportunity to work with the private sector, which has a long-standing involvement in the waste management business. In addition to the companies that have traditionally been here, there are a lot of new entrants with new technologies. We cannot go at this with the approach that the public sector can do it all by itself. It does not have the money to do it. We do not think it will be as innovative in doing it. We really believe that we will get a lot further if we accomplish it together.

I would like to conclude by urging the Legislature and the provincial government to adopt the following principles in developing their approach to regulatory reform: (1) the environment comes first; (2) respect and encouragement for participation by the private sector; (3) cooperation and flexibility in the face of change; (4) a bias for action; (5) reform of the approvals process and reduction of political interference at all levels; (6) open markets for waste and waste-derived materials.

There is an urgent need for regulatory reform, but in our view Bill 143 is not the answer. I hope the Legislature will have the wisdom and the collective will to embrace the three key regulatory objectives we have set out and the six principles for defining the components of a new regulatory system that will better serve the environment and the people of this province. Thank you for the opportunity to make this submission. I hope you will find it to be constructive and useful.

The Vice-Chair: This was certainly a comprehensive and thoughtful report. Unfortunately we have practically run out of time, so I will ask the members of the committee to put their questions on the record. Mr Hatch, the clerk will provide you with the questions in writing and we hope you will be able to respond by February 14 in writing for it to become part of the record of the committee.

Mr Cousens: On page 2, when you talk about an abundance of deep, dense clays in southern Ontario, one of the problems I have is that I do not know where some of those sites are. If there is a possible list of some of those places where there are better—

Mr Wiseman: There is a map in the back.

Mr Cousens: Is there a map in the back? And it is all there? Thank you; I will review it further.

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Mr Wiseman: I would be interested in your comments on part IV of the bill, which clearly speeds up the approval process for the 3Rs facilities, such as recycling plants and composting sites.

Mr McClelland: I would like, if possible, some expansion on the submission of Gartner Lee that Bill 143 has the impact of forcing landfills where they should not be located.

The other point is this: I take it you are trying to be diplomatic and non-confrontational. In your brief you write that the government of Ontario is moving in an "opposite direction" to positively influencing a market economy.

When you said it, you said they were not moving in that direction. I just wonder if you would help clarify that.

Mr White: The government is also committed to the reform of the environmental assessment process. The concerns you mention I think are very valid. The Ontario Environmental Assessment Advisory Committee is recommending changes. Did your firm make any submissions to the environmental assessment program improvement project?

The Vice-Chair: As stated, we would appreciate if we could get the answers in writing by February 14. Otherwise the committee will take your answers into consideration on deliberation of the clause-by-clause. Thank you very much for a very thoughtful presentation.

Mr Cousens: On a point of order, Mr Chairman: Regrettably I am not able to stay for the rest of the afternoon session. We will have Hansard. I am not able to find anyone else from our caucus because we are involved in other committees and activities. I would therefore like to have any time allocated for questions from our caucus given to the Liberal caucus, if possible.

Mr Wiseman: I believe that would take unanimous consent, Mr Chairman, and that is not forthcoming.

The Vice-Chair: I guess we have no unanimous consent. Thank you very much for your offer.

Mr Cousens: I just have to say that the Liberals are doing a better job than those guys.

Mr Wiseman: How would you know? You are hardly ever here.

The Vice-Chair: Thank you. That is not a point of order; that is a point of opinion.

Mr Cousens: If I had your brains, I would go somewhere else.

FRIENDLY FUELS INC

The Vice-Chair: The next delegation, please, Friendly Fuels Inc. Would you come to the microphone and identify yourselves for the purposes of Hansard, please. As you have seen, we ran out of time for questioning on a previous presentation, so we would appreciate it if you would leave some time towards the end of your brief for questions by members of the committee.

Mr Guenin: My name is John Guenin. I am vice-president of Friendly Fuels Inc, and in a certain way I represent small business. I do not know if you have had the opportunity of having representation from any organization that represents small business, but there are two people in my business, and we had the opportunity approximately 18 months ago as a group to look at environmental issues. I work in the residential heating area and for many years I was personally concerned about some of the problems that were being generated with fuels that were being used. We decided, with others around the country, and I am talking here of Canada, that we would like to go into it and study what we could do to help solve some of our environmental problems. Consequently we created and incorporated an organization that is dedicated to trying

to promote environmental solutions to some of the problems we have had.

I have not prepared a speech. You will find in the folder I have given to you a brief summary of the comments I would like to make. My intention is not to go into detail on Bill 143, but rather to take a global look at this document. You have probably heard many things during these two weeks. I have personally followed the debates on television in the evenings and have been interested in all the comments that have been made. My purpose therefore is to make some comments and some suggestions and ask some questions.

I would like to say that our company supports the general thrust of Bill 143: reduce, reuse and recycle. We are dedicated to that, and I am sure you have seen that 90% to 100% of the people who have come here have endorsed this program. It is a good program. It is definitely geared to helping us solve some of the problems.

Nevertheless, with Bill 143, and looking at it from a global point of view, I am worried about the decision-making process. You might find this strange when we have a committee like this where we have been asked to share our views and to point out some of the weaknesses of the program. Participation in the decision-making process is extremely important. The question we have to ask ourselves is, what happens when there is not full participation of all interested parties in the decision-making process? It creates unnecessary frustrations.

As a small business, I would like to say to you that I am in that category of frustration, because I have attempted to open dialogue, to have dialogue, and it has been extremely difficult to do so. I am not yet in the category of apathy that says, "I don't care."

I hope you will not mind if I use an anecdote. We care for an invalid in our home. She is a grandma. She had reached the age of 70 and we decided to give her a birthday party. We invited her and her daughter to come, and we had a wonderful time. For some reason, this person, who is deaf, has a hard time expressing her feelings. Towards the end of the party she must have been thinking of quite a number of things. She came to her daughter and said, "You know, when I die, I want to be incinerated." The daughter looked at her and said: "No way; I'm not going to do that. I couldn't stand the thought of incinerating you." For a few minutes the argument went back and forth on incineration. I was standing there and listening. I said, "Maybe, grandma, you won't need to worry about it, because incineration is going out the door and the government is making the decision for you." She looked at me with a strange look and said, "I want to be incinerated."

That prompted me the next morning to call the places where people are cremated, and I found out that there are quite a number in town. I asked them if they had any problem with incineration and what was happening regarding legislation on incineration. They said, "We have no problem." I said to them, "What do you feel for the future?" "We don't know exactly what is going to be happening, but we will continue to operate as long as we can, as long as we have the authorization to do so."

This prompted me to look at the reduce, reuse and recycle cycle. The problem of incineration is not dealt with in Bill 143. I personally as a citizen am disappointed that something was not said about incineration. Incineration comes from the Latin *incinerare*, which means to burn to ashes. I have brought with me, and I hope nobody will take offence to that, but I am a former teacher so I suppose I operate on—a beautiful jar. My grandpa weighed 220 pounds. If he was incinerated, he would be in this jar. That is reducing, is it not?

I am in the industry of heating, and in particular I am involved in an industry which is called pelletization. There are maybe two pounds of pellets in this bowl. When I burn them, that is all that is left: a few grams of product. I say to myself, "By golly, this is reduction—not reduction of garbage, but reduction of products that can be useful to society." The environmental act bans incineration. I would like to suggest that incineration is not all that bad. Uncontrolled incineration is bad, but when you can control incineration, it is extremely good.

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There was an article in the *Globe and Mail*, which I am sure you all read, on Tuesday, January 28, 1992: "Charest Unveils Plan to Study the Effects of Global Warming." Listen to this: "Critics say Spending on Research Must be Wedded to Practical Initiatives."

Friendly Fuels made a commitment 18 months ago, to promote a fuel that is friendly to the environment: pellets. This is made with waste wood. You are free to come and see it afterwards. We came to government knowing this bill was coming into existence and we asked government what advice it would give us regarding pelletization. Lo and behold, I got the answer, "This is incineration and you cannot do it."

We went to the different groups which take care of environmental concerns—Pollution Probe and Greenpeace—and they too said to us, "If you're doing something with incineration, you cannot do it." We went to Friends of the Earth. We got a response from Friends of the Earth, "What you are doing is most valuable and we would like to support you." After having discussed it with Pollution Probe, after six months we received a response that its position had changed and that the use of pellets for fuel was a very positive idea.

As far as I am concerned, if the authority that lies in Bill 143 continues to go the way it is going, we are going to have some very serious problems with communication. I personally, once I found out we were on the right track, decided to try to develop the concept of pelletization. I am a small businessman. It was 18 months ago and since then I have been struggling to try to get the notion across that pelletization is not incineration. There is a definite problem with communication and with understanding each other. I have tried very hard, visiting different people and different offices, and everywhere I get the same answer: "This is not allowed. It is considered incineration."

The Ontario government put out a document, which I have here with me, entitled *Wood Waste Generation and Management in Ontario*. In Ontario alone we produce 2.2 million tons of wood annually. There is lots of it produced

here. Yes, we can definitely reduce this amount. Even if we reduce it by 50%, there is still 50% that exists. I want to be very practical and bring to you a very short episode of what has happened to us as we have invested in and put all our funds into different projects, and have got nowhere to this point.

We found people ready to invest. We found people ready to work. We found a plant that is ready to operate but that has been closed for six months. But because this concept does not agree with the general concept of the government, we have not been able to proceed. What is worse—please do not take offence to this but let's accept the facts—is that there are several small plants in Ontario that could pelletize, and lo and behold, our American friends have come here, picked up the equipment and brought it down to the United States. Worse still, they are making pellets in the western United States and pellets are being freighted from Oregon and from Seattle to Ontario, to Quebec and to the Maritimes.

I have in my mind, as a man, as an individual, as a human, some questions I have asked myself in this process. It is fine and dandy to have rules and regulations and to have Bill 143, but what are these regulations going to do to those who need work, to those who are out there looking for money to survive?

I was in a little town in southwestern Ontario not long ago. I had to look into the eye of a man who was the manager of a plant and tell him, "I cannot open this plant because what I am doing is illegal." Yet he will stand on the side of Highway 401 and we can all do that, and we will see these trucks coming from the western United States carrying thousands of tons of this product. Lo and behold, some of them are making it with equipment bought in Canada. Some of them are using materials bought in Canada, in BC and in Alberta. Because we cannot do this here in Ontario, because of legislation, because of the interpretation of legislation, we are here sitting on our backsides unable to proceed. How can I explain it? How can I make him understand that it is right for our friends down south to make these and that we cannot make them?

I understand legislation. Legislation is absolutely necessary, but we must ask ourselves and you must ask yourselves: "What are the consequences of this legislation going to be? What are they going to do? What is this legislation going to do to my children and to my grandchildren? What are the results of this legislation?" The result, at this point in time, of having totally banned incineration is that there are people who today could be working who cannot. I realize that I have maybe gone a bit beyond the framework of this committee, which is directly focused on Bill 143, but I wanted simply to sensitize you, to make you aware of legislation you are working on that tomorrow could be detrimental to the workers in Ontario.

I will read my conclusion, which is on the second page of my summary. You have some documents that will back up all my statements. My presentation was not meant to point fingers at any particular civil servant or department, but rather to suggest that whether times are tough or not, it is imperative that we all work very closely together. Small businesses such as mine and corporations fully understand

that environmental concerns are and will be part of our daily lives for years to come.

On March 3, 1992, that is to say this year, the Banff Centre for Management and the University of Toronto are organizing a seminar entitled *Environmental Issues as Strategic Opportunities: Lessons from the US, Europe and Japan*. In his invitation letter Hugh Arnold, associate dean of the University of Toronto, says, "Organizations that succeed in the 90s will be those that find ways to enhance the protection of our environment and simultaneously increase productivity and innovation."

Finally, a quote from *Fortune Magazine*: "In the 1990s, environmentalism will be the cutting edge"—listen to this statement—"of social reform and absolutely the most important issue for business."

FFI, my company, has already acted and wishes to encourage the government of Ontario, as it moulds the environmental and legislative infrastructures for the 1990s and the 21st century, to introduce and enforce laws and regulations that will allow all Ontarians to achieve growth and prosperity not only for themselves, but also for their children. Let's keep the lines of communication open.

1630

The Vice-Chair: Another very well researched and thought-provoking and eloquent presentation. However, once again we have run out of time. I ask members of the committee to put their questions on the record for response in writing by Mr Guenin.

Mr White: I will be brief. I am very enthused by Mr Guenin's presentation. It reminds me very much of the corn-fed stoves and those corn pellets, a very diverse use of waste products. My understanding, though, is that this would actually fit in very well with waste diversion. There is not a problem in terms of the ban of incineration on municipal solid waste. My question really is for the parliamentary assistant, basically to see first of all if it is the case that his program fits in very well with the issue of diversion, and second, if there can be any suggestions made in terms of governmental support, whether that is from the Ministry of Energy or from your own ministry.

Mr McClelland: I am a little bit concerned, because my question is very much similar to Mr White's. I want to ask the parliamentary assistant if he could explain or present to anybody what the great distinction is between having a fireplace in the Premier's office burning wood and another fireplace somewhere burning wood pellets that were derived from wood from Ontario. I quite frankly do not understand the distinction. It would be helpful if maybe we could make sure, as our friend has suggested, that this be clarified not only for the presenter here today, whom I should congratulate, but also for other people who are asking for some assistance in terms of interpreting the proposals.

The Vice-Chair: Thank you for a very eloquent presentation. I regret we did not have more time to pose some questions to you, but I guarantee that you have raised some questions that are very thought-provoking.

STEVEN E. SAWELL

The Vice-Chair: Our next witness is Steven Sawell. Come forward, please. You have 20 minutes for your presentation. We would appreciate it if you would leave some time towards the end for questions. You have seen that our last two presenters have taken up all the time they were allocated.

Mr Sawell: I will do the best I can. I am going to use some visual aids here because it is getting late in the afternoon and you probably need some help focusing on some things.

I am here as a private citizen and as a scientist. I spent the last eight years researching ash from municipal waste incinerators under Environment Canada's national incinerator testing and evaluation program. Just to give you a bit of background on that program, in 1984 the federal government established the program to look at the potential impact of municipal waste incineration on human health and the environment. That program just wrapped up last month.

What I would like to do is to put some things in context for you. Dealing with the ash on the back end of an incinerator, you have to know what is going in the front end. You have to understand the characteristics of the waste stream going in. You have to understand the types of incinerators. You have to understand how they operate and you have to understand the emissions.

That is where I am coming from. What I hope to do is put things in the proper perspective here because there is an overall context we are looking at. Basically, with Bill 143 we are looking at 3Rs or 4Rs.

Some of the issues I would like to touch on are environmental compatibility with all waste management systems and all processes; that is, composting, recycling of plastics, recycling of glass, recycling of aluminum or ferrous and looking at municipal waste incineration. They all have environmental impacts somewhere along the line. We have to look at the economic realities of the situation. Are they being compared on an equal basis across the board? Finally, we have to look at public needs and public fears.

The public needs to have its waste collected and disposed of. We cannot store it in our garages. We cannot very well keep it in the backyard for too long without causing a vector problem, so we need to get rid of it. But most people do not understand the process that goes on in terms of landfill. They are afraid of landfills, do not want to live near landfills and certainly do not want to live near incinerators. But I think a great deal of that is based on the fact that they just do not know what is going on. Public education can go a long way in terms of alleviating some of those fears.

To get right to the heart of the matter with incineration, does it pose a health risk? Do the air emissions pose a health risk? Does the ash disposal cause a health risk?

To address the air emissions first, I think if we look back 10 years ago, incineration got a pretty bad reputation. It was probably well deserved back then. The systems were poorly designed and poorly operated and certainly did not have much in the way of air pollution control systems. In the last 10 years, though, the industry has certainly cleaned up its act. They have done a tremendous

amount of research and have got to the point where air emissions are no longer a real issue. They have become a moot point.

Just as a case in point, in 1989 the World Health Organization released a document after it had evaluated the health risks of municipal waste incineration on human health. There is none with modern, well-maintained and well-operated systems. If you read my submission, there is a reference in there to Dr Michael Suess.

Ash disposal: When we get to ash disposal it gets a little bit more interesting, because what we are talking about is capturing the material before it gets out of the stack and into the atmosphere. That material was hazardous back then and it is still hazardous now, but what do we do with it?

You have to separate things into two different phases. There is bottom ash and there is fly ash. Bottom ash is the material you get off the grate of the incinerator. It is exposed to temperatures in excess of 1000 degrees Celsius, so it is very heat-stable, and because it is heat-stable it is also pretty inert. It does not do anything. It can be sent to a landfill and it is not going to cause any problems. As a matter of fact, in some countries in Europe they use it as road base material, fill for embankments and things like that.

Fly ash is a different story. It tends to be enriched with heavy metals, such as lead, cadmium and zinc, which pose toxicological problems. It also tends to be fairly soluble because it is in a salt matrix. It condenses out of the flue gas. What we have to do is to spend a little bit of time and effort treating the fly ash coming out of the back end of a system. What you are looking at is about 10% of the total stream coming out of an incinerator, which works out to about 2% or 3% of the total volume of waste going into an incinerator. There are ways to treat it. There are solidification techniques. There are other chemical techniques to be able to stabilize the material and prevent it from being leachable and it can be disposed of.

What about the environmental advocates' argument about diminishing the incentive for recycling? I do not think there is a real problem here, because most incinerator operators will tell you they do not want the glass, they do not want the ferrous and they do not want the aluminum in their incinerator. It is a lot of wear and tear on the system and it acts as a heat sink, so they are really losing on that point. You do not want yard waste in there either, something we could use to compost, simply because it is too wet. You put it in the incinerator and you cannot operate the thing properly, so in terms of diminishing the incentive for recycling, I do not think there is any.

Let's talk about recycling for a minute. Is recycling cost-effective? There is an awful lot of emphasis put on recycling in this bill. Is it really cost-effective?

SuperWood Ltd has been in the news lately. They have basically been put into receivership. They are the people who took Tetra Paks and made wood fence posts and garden furniture out of them. They have warehouses full of finished product they cannot find a market for and they have all kinds of warehouses full of raw resources, empty Tetra Paks that they cannot use.

We have to look at that. I am not saying that all recycling is not worthwhile. Certainly aluminum is worthwhile. It is true recycling. It is taking an aluminum beer can and turning it back into an aluminum beer can. It is very cost-effective and it is very energy-effective too. There is an 80% energy saving if you take an aluminum can and recycle it back into an aluminum can.

But if you are taking materials in a recycling world and changing the form of that material and making new products, you are expanding the consumer base. You are not taking anything out of the waste stream, so I think we have to look at this issue a lot more carefully in terms of cost-effectiveness.

1640

What about being environmentally friendly? Incinerators have been under the microscope for the last 15 years and they have been dissected pretty well. The same thing has not happened with recycling industries or composting. There are a lot of problems with composting, especially in terms of heavy metals. You have to remember that the waste stream going into the incinerator is where the problem lies; it is not the incinerator itself. If you are going to recycle material, you are still going to have the same type of problems, whether it is a recycling facility or a compost facility. You are still going to have to deal with the same elements, bar none. I think that is important to remember.

What is the best approach? I think we can look to our European friends for some help here. I will use Sweden as an example. In 1986 the Swedish government imposed a moratorium on municipal waste incineration similar to what this government did last April, I believe it was. A year and a half later that moratorium was lifted. What they did was go to a very aggressive integrated strategy—aggressive recycling on the front end, aggressive reduction of packaging, aggressive reuse—and the majority of the material left over had to go through an incinerator. That is law over there; it is mandatory. Anything going to a landfill has to go through a municipal waste incinerator before it goes to landfill. Typically what ends up going to landfill in Sweden is solidified fly ash from the back of an incinerator. They use an awful lot of their bottom ash, so you are saving approximately 97% of your landfill space.

Finally, to wrap up quickly, let's make use of a fully integrated waste management system. There are four Rs; let's use them. We have targets of 25% reduction by 1992. It is 1992 right now and we have not reached that. If you are going to look at the end of the year I still do not think you are going to reach it; you are not even going to come close. By the year 2000 we are supposed to have 50% reduction. If we do not use all four Rs we are not even going to come close and we are going to have landfills, which are a far sight worse than having a municipal waste incinerator.

I will be happy to entertain any questions you have.

Mrs Fawcett: Thank you very much for your presentation. We had a very different presentation: The almost evangelical Dr Connert told us about the absolute horrors of incineration. I am sure he believes that and believes he has the scientific data to back it up. But your story is quite

a bit different. In your opinion, does the cement kiln operation—we also had that presentation—stabilize fly ash and render it harmless to the environment?

Mr Sawell: Looking at cement kilns, I do not think you have a problem in terms of the organic contaminants on the back end. With the heavy metals, cement kiln dust is produced as a waste byproduct in the cement industry anyway, and that is a waste product. I have actually used cement kiln dust in solidification formulations for municipal waste incinerator ash so, yes, I think it can be controlled. You can solidify the material on the back end. It is a very small component of the cement industry's waste stream, so I think it is probably feasible. What the cement industry is probably going to have to do is pull up its socks in terms of its pollution control systems.

Mrs Fawcett: But it certainly would be quite feasible to do.

Mr Sawell: It is quite feasible, yes, I believe so.

Mr Wiseman: I have a whole bunch of questions. How much time do I have?

The Vice-Chair: You have five minutes.

Mr Wiseman: I read recently in a paper that an Illinois court ruled that municipal solid waste incinerator ash, both bottom and fly ash, must be considered hazardous waste and treated as such. The incinerator industry will likely appeal this decision, but they must have had some evidence.

Mr Sawell: Just to give you background on that, when you are looking at the regulatory issues in the States you are looking at a very different climate. In the States there have been two court rulings, one exempting municipal waste incinerator ash from hazardous waste regulations and this one, a court of appeal that overturned an initial ruling that said it was exempt from hazardous waste rules.

You have to remember that in the States there is a very adversarial approach to it. In Canada we have much different guidelines. We do not combine our ash up here. The Canadian Council of Ministers of the Environment released a document in 1989 on operation and emissions from municipal waste incinerators. Ash management was part of that package of guidelines. We separate bottom ash and fly ash. I believe in this province, British Columbia, Prince Edward Island, Quebec and Nova Scotia they have adopted those guidelines as legislation. Bottom ash can go to a landfill site whereas fly ash has to be treated as a hazardous waste.

In all the years I have done work on ash, bottom ash is a very benign substance. Fly ash is not, and there is a recognized problem that has to be dealt with. It is a very small component of the total waste stream coming out of a municipal waste incinerator. You have to remember that there is a big distinction between Canada and the US in terms of how they regulate their ash. In the States they combine all their ash.

Mr Wiseman: My second question has to do with the London Victoria Hospital situation and the fact that it has spent huge amounts of money trying to landfill its ash, to the point where it is considering shutting down the incinerator.

Mr Sawell: An operation at \$5 a tonne at the tipping scale is ridiculous. I do not think anybody could operate on that basis. Typically what you are talking about for operation of a municipal waste incinerator is about \$35 to \$40 a tonne to break even, to keep the plant going. If you look at Vancouver, which has a 750-tonne-a-day plant, it operates at about \$63 a tonne tipping fees, as they come across the scales. Victoria Hospital basically signed a bad deal in terms of the contract on the front end.

Mr Wiseman: My understanding of the Vancouver incinerator is that they are now re-examining the plume dispersal area for contaminants, with some considerable consternation about what is accumulating in the ground from the plume.

Mr Sawell: I know there have been several studies done, especially in Europe. Some of my colleagues and very close friends have done a lot of studies looking at heavy metal enrichment of soils around municipal waste incinerators, both before and after putting air pollution control systems on them. In the after, they find nothing. As a matter of fact, they have a tough time trying to find things above background level. So I think an awful lot has to be done in looking at whether it is background contamination going into that area or whether it is the plant itself.

I am quite familiar with the greater Vancouver regional district facility. I know there are quite a few industries right around the area. Some of them are very dirty industries, as a matter of fact. To point a finger at GVRD itself is going to be pretty tough to do, especially looking at the stack gases that are coming out, because they are monitored on a regular basis—as a matter of fact, daily. There is not a heck of a lot coming out of that plant.

Mr Wiseman: My next question has to do with the cost of the—

The Chair: This will have to be a question for the record.

Mr Wiseman: He said I had five minutes.

Mr Sola: You have used five minutes.

Mr Wiseman: Oh, have I?

The Chair: When I sat down he told me you had one minute left.

Mr Wiseman: Then this will be for the record. Lake county's garbage incinerator: As it nears completion, two of the county commissioners are contemplating idling the \$79-million plant before the first tonne of trash arrives.

Mr Sawell: Which county was this?

Mr Wiseman: Lake county in Florida. What they are getting at here is the huge cost of putting the plant into place and then burning the trash. That makes the next question: You were talking about what goes in the front end. I would like you to give us a description of what would have to go into the front end and how effective the 3Rs programs are once—you cannot answer that. They are not going to let you.

Mr Sawell: They have very aggressive recycling programs. They still have to get rid of about 40% to 60% of the waste stream left over: materials like Tetra Paks that you cannot market anywhere, even if they have been recycled.

To give you an answer on that, there is a lot of commercial waste. Residential waste is a very small component, as we all know, of the total waste stream. Where the real problem lies is the commercial waste stream.

The Chair: Thank you very much.

Mr Wiseman: She caught up to her mistake.

1650

The Chair: The parliamentary assistant distracted me by pointing out that he is wearing new glasses. I told him I thought they were very attractive, and I was less attentive to the fact that you were answering the question that should have been placed on the record. I will deduct it from the next presentation.

Mr McClelland: I would be delighted if you would continue your response. I think it would be very useful. On the basis of an analysis of a comprehensive review of scientific evidence, I would like to know what you think about the policy that says we are not even going to consider incineration in terms of looking at proposed alternatives within the framework of a full environmental assessment within the context of a full master plan waste management system. In your professional opinion, is there any scientific basis on which one could draw that conclusion arbitrarily and say, "We are just not going to look at incineration, period"?

Mr Sawell: I think it would be a very large mistake for you to throw away a tool like that. I do not know what I can say other than that we have four tools that are very viable. Let's make use of them all to the best of our abilities. But let's make sure everything is on a level playing ground. When we compare the issues between recycling, composting and incineration, let's look at it with a very critical eye to the other side of the issue, rather than just pointing a critical finger at the incineration side. If you look at Halifax, it just went through a solid waste master plan that had composting and incineration identified in its system. No one responded for bids to the composting plans because they cannot get rid of the compost coming out the back end. It is too enriched in heavy metals. Agriculture Canada will not let them market it, so what good is putting the plan in the front end?

Those are very real issues we are going to have to look at. Again, it goes back to the waste stream itself; that is where the real problem is. We have heavy metals, and for a lot of the products we use in day-to-day life, we either have to find a way of diverting them or substituting for them.

Mr McClelland: Rather than embracing a general tenet—almost a faith, if you will—you say it would be more appropriate to look at them critically, analytically and scientifically and arrive at solutions from a progression of analyses, rather than from a predetermined position of philosophy.

Mr Sawell: I think that is fair to say. If you look at the Europeans, they have gone through all these growing pains and basically, if you look at Germany, Sweden, Denmark, Holland and France, they all have recycling up front. They try to reduce as much as they can in terms of legislation on

packaging. They may reuse more than we do. They certainly have incineration; they certainly have not dampened it.

The Chair: We appreciate your presentation. Over the course of our hearings, if there is additional information you think might be helpful to committee members, we would appreciate it if you would communicate with us in writing. Thank you very much for appearing before us today.

ARDEE RECYCLING INC

The Chair: I would like to call next Ardee Recycling Inc. You have 20 minutes for your presentation. We would appreciate it if you would begin by introducing yourselves to committee members for the purpose of the record. Do not worry about the microphones in front of you. If there is a problem, I will let you know. They will pick up everything you say. I have told people watching these hearings that the Hansard is available at Publications Ontario at 880 Bay Street, and it usually takes about two weeks to get the full transcript available there. You may begin your presentation now, and we ask that you leave a few minutes at the end for questions from committee members.

Mr Durgy: I am Robert Durgy, president of Ardee Recycling Inc. This is Gordon Onley, marketing vice-president.

As a small recycling business, we support Bill 143. We would like section 74 of Bill 143, however, to include an amendment to ban oil filters from landfill sites. That is what I would like to speak to you about today.

In Ontario there are 13 million oil filter changes. The majority of these oil filters are going to the landfill. As well as the oil filters going to the landfill, there are a million gallons of residual oil in the used oil filters making its way to landfills where it eventually leaches out.

In this oil there is cadmium, chromium, arsenic and also benzene, a known carcinogenic, which eventually gets into the landfill. Presently used oil from automobiles is sent to be recycled. It is not allowed to go to the landfill sites. The contradiction here is that the oil filter can go to the landfill site with this residual oil in it. Each oil filter has approximately 6 ounces to 24 ounces of residual oil, depending on whether it is a small vehicle or a larger truck filter. That gets into the landfill. From the toxic side it is not very good that the used oils going to the landfill through the oil filters. But there is also the potential of recyclable steel in oil filters, which in Ontario is about 8,500 tons of recyclable steel. About 17,000 cubic yards of space would be saved if we were to recycle these used oil filters, which our company does presently.

As well, if there was legislation on these 13 million oil filters and they were to be recycled, in our personal case it would mean approximately 200 to 300 jobs, because it is very labour-intensive to recycle these oil filters. The obvious potential there to get people off unemployment or welfare, to come in and recycle these used oil filters would definitely benefit a lot of people.

In talking to the private sector, we have been out marketing this and right now, when we have been seeing accounts, we have been going in on the moral and ethical thing. We have been marketing it for about a month now and have had a lot of really good results in terms of

government and municipal fleet vehicles that are generating used oil filters. However, with the private sector basically what we are hearing back is, "Yes, we know there's a problem here and we know there's residual oil that is ending up in the landfill site, but at this time we would rather see legislation than our particular company take on your service and pay whatever the cost is to have the oil filter picked up," because of the economic times and because it is such a competitive situation. If it is legislated, then it is a fair playing field for everyone. If Canadian Tire is doing it, then Mr Lube is doing it. It all equals out. It ends up that the end consumer pays whatever the extra cost is each time he goes in to have his oil changed. That is what we are hearing back from the private sector.

Mr Wiseman: I guess I should declare a conflict of interest here, because they have come to see me. In fact, Gordon is my brother-in-law. I think you should know up front that they asked to come before the committee and know they would do that. But I do have some questions.

The Chair: I do not think that being your brother-in-law would constitute a conflict under the Legislative Assembly Act. It might be of interest.

Mr Wiseman: It is of interest. It just shows you how far the green sweep sweeps. I would like you to describe what you do with the filters so that everybody has a good, comprehensive idea of what goes on.

Mr Durgy: You might want to refer to the report I have given out as I explain it. There is a breakdown in grams of the amounts of different components which exist in the oil filter and which parts we recycle. We do not recycle 100% of the oil filter, but we are recycling 97.3%. If you go on one more page, you will see a breakdown of the actual oil filter. What we do is take the oil filter to our factory and break it down almost can opener style and then fillet it. It is very labour-intensive. That is why I get back to the jobs that would be involved in doing this.

Then the steel is broken down. It goes to a steel person and the steel is recycled, which could be into many different things: a Coke can to a car to perhaps even an oil filter again. The rubber gasket goes to another party, is recycled and ends up, from what they tell us, being mud flaps for vehicles. The used oil is drained out through the process and it ends up going to the same people who recycle oil from any of the auto body shops.

Mr Wiseman: Did you have any trouble finding markets for these products after they were separated?

Mr Durgy: No, not at all. There is a machine out on the market right now that crushes oil filters.

Mr Wiseman: I have seen it.

Mr Durgy: The problem with that is that when you crush it, all you are doing is condensing the rubber gasket, the paper filter and some of the used oil still in the container. That is a problem. The steel people do not need that. They have such an influx of steel coming in that they do not need to have crushed oil filters that might pose a problem to their recycling procedure. The only thing they asked of us—we have that in written form, which we can give to you, from the two particular people—was that it be clean

of oil, because of the toxic nature of it, that the rubber gasket be clean and as well that the steel filter be clean. The only thing we have left is the paper filter, which we cannot find a home for right now. We are working towards finding a home for it. Once the paper filter has been separated from it and crushed—we crush out any remaining oil—we are down to 2.3% of the filter which would potentially have to be landfilled for the interim.

1700

Mr Sola: Some of the questions I was going to ask have been answered already. How many products do you produce from the recycled filters? Is there a market for all the products produced from a recycled filter except for that 2.3% you just mentioned?

Mr Durgy: Definitely. Again, you have the steel filter, which goes to the steel person and is recycled into many different areas, whether it is a Coke can, a beer can, a car or maybe even an oil filter again. Then the rubber gasket would go to the rubber recycler. What they are doing with these rubber gaskets in this case, which they have given to us in writing, is that they become mud flaps. Those are the two I know offhand. Used oil of course is recycled to be used in motor vehicles again.

Mr Sola: Is this a viable economic entity? I do not want the situation to occur again, as was mentioned earlier today, where you have recycling and spend money for sorting and storing and everything else and eventually all that effort is just added on to the cost of landfill because there is no market for it, and the municipality gets sick and tired of storing it and then it goes back into the waste stream. All these products that you separate are actually reused?

Mr Durgy: Yes, absolutely. There is a risk from our point of view, just in terms of the Ministry of the Environment. We have to be certified as a waste processing site. What is involved is that there is a bond so, for instance, if we go out and fill our warehouse with hundreds of thousands of oil filters and cannot recycle them or find a home for them, we lose the bond. As a businessman, I have looked into it and found the markets and definitely have commitments.

The Chair: We really appreciate you coming. It is important for us to hear a number of different perspectives. If over the course of the hearings there is any additional information you think would be helpful to us, please just write to us.

Mr Durgy: Okay, great. I appreciate the time.

VIRGINIA MACLAREN

The Chair: I would like to call now Virginia Maclaren, department of geography and the program in planning, University of Toronto. You have 20 minutes for your presentation. We would appreciate it if you would leave some time for questions. Please begin by introducing yourself for members of the committee.

Dr Maclaren: My name is Virginia Maclaren. I am an associate professor in the department of geography and the program in planning at the University of Toronto. I have been involved in waste management research activities for

the past several years and have a number of students working in the field.

I have a very brief statement for this submission. I wish to address part IV of the bill and specifically that part which concerns empowerment to make regulations for industrial, commercial and institutional waste reduction.

I am in favour of the proposed regulations and believe they will benefit not only the ICI companies required to undertake them but also the general waste management planning process in Ontario. There have been numerous studies showing that waste audits, for example, are an effective first step towards identifying significant opportunities for companies to achieve economic savings through waste reduction.

Having waste audit data available is also particularly important for waste management planning at the municipal level. Since ICI waste comprises about 60% of waste being sent to municipal landfills in Ontario, knowledge of ICI waste generation data is essential for determining expected landfill lifetimes. Knowledge of existing or future waste diversion activities in the ICI sector can also help in forecasting landfill capacity requirements.

Waste composition data is also important in municipal waste management planning. For example, before banning a material at a local landfill, a municipality might be investigating the availability of markets for the material, which in turn could be or would likely be related to the potential supply of that material among existing and future landfill users. Without waste generation and waste composition information in the ICI sector, market evaluation becomes more difficult and introduces uncertainties about the impact of such a ban on the ICI sector.

ICI waste generation and composition data can also be fed into economic models, such as input-output models, for identifying and forecasting the linkage between increases or decreases in economic activity and increases or decreases in waste generation in a municipality. At the University of Toronto we are currently working on the development of such a model. However, we have had significant problems in developing the model, because of a lack of waste generation and waste composition data for the Metropolitan Toronto area or for industries in Ontario in general. In fact, as a result of this we have undertaken to administer our own comprehensive sample survey of ICI firms in the Metro area.

I would like to mention two improvements to the proposed regulations: first, to establish waste auditing guidelines, and second, to link waste management plans to provincial waste reduction targets. With respect to the first recommendation, I refer back to one of our graduate students who is working on this issue of waste composition studies. Although we do not yet have the final documentation or final report from him, I can tell you a couple of things that I think are relevant for the proposed regulations.

First, he has found, not surprisingly, that there are very few firms keeping records on the amount of waste they are currently generating, on a per tonne basis, by weight rather than by cost. This means it is very difficult for firms, especially smaller firms, to provide estimates of their annual waste production amounts.

Second, even fewer firms have knowledge about the composition of their wastes unless a waste audit is available. Therefore, surveys of the kind he is attempting can provide, at best, only rough estimates for this kind of composition and generation information. There are a lot of uncertainties about the type of information being collected. They are also very costly and time-consuming to undertake. Although I feel they are very important for waste management planning, there are a number of problems. On the other hand, if waste audit data are already available for firms that are sampled in a survey of this kind, it would definitely allow for more accurate and effective waste management modelling and planning.

The second point I want to comment on is the relationship between waste reduction targets and waste management plans. It seems to me that if there were some linkage between the province's waste reduction targets and proposed waste management plans for the ICI sector, it would offer more incentive for ICI firms to actually reach those targets. This type of linkage is already working in the packaging sector under the auspices of the national packaging protocol, as you are probably aware, where the packaging industry has agreed to try to meet voluntary targets within a certain time period. In the absence of such targets, it is not clear what incentive other than an economic incentive, if it is identified through a waste audit, there would be for ICI firms to develop innovative waste reduction plans.

Mr McClelland: It is very well thought out and set out in terms of some positive suggestions. I note you are concentrating only on the regulatory powers that would flow under part IV and not the rest of the bill. Indeed, that has been the thrust of many people who have been in support of Bill 143. They focus their attention in support of part IV and very little, if any, support for parts I, II and III; in fact, quite the opposite.

With respect to part IV, you talk specifically about the ICI. There has been some concern raised that I have heard. I would like to have your comment. If I can try to put it succinctly, there ought to be some distinction between the regulations that would impact on municipalities and the public operation, and those regulations that would impact on business. I see that as problematic in terms of an overall scheme and a comprehensive plan, but I also understand the concerns that municipalities have in terms of being dealt with in the same body of regulations as would the ICI sector.

I wonder if you have turned your mind to that in any way in terms of the potential—I will not use the word "dislocation"; I do not think it is accurate—inappropriateness, if you will, of applying the same set of regulations to distinctly different groups, distinctly different in terms of their operation and their financing base and their management structures.

1710

Dr Maclaren: I have not, from an academic point of view, perceived a significant problem so I have not given it that much thought. If there is perhaps more incentive for this to occur as a matter of course within the public sector, within municipalities themselves, then there is perhaps less need for a regulatory approach. But I am sorry; I am not

familiar with the views of the different groups that are involved and what their concerns are.

Mr White: You suggest that a number of businesses do not have adequate information in regard to the waste that is being produced and yet we hear a number of assertions that government should not require audits or reduction plans, but should rather take a voluntary approach to environmental audits and waste reduction. Do you think a completely voluntary approach will work with the kind of time lines we are faced with?

Dr Maclaren: A voluntary approach might work if there were an incentive for companies to participate or to volunteer; in other words, some kind of deadline indicating that if the voluntary approach, as is being taken with the national packaging protocol, does not work, then there would be regulations brought in. Given the time lines Ontario is looking at for its proposed regulations, though, I am not sure whether we have enough time to organize a voluntary approach for companies to get together to agree on representatives who would try to allocate the waste reduction limits among different firms so that it would be equitable. If perhaps, as you say, there was more time, we should consider the voluntary approach. There is an example, namely, the national approach to packaging for targets.

Mr McClelland: I have a question for Mr O'Connor that flows from that, from some of the discussion in any event. There has been discussion, certainly in industry, those that participate now in financing the blue box recycling program, in terms of arriving at an understanding and formalizing an understanding that would probably ultimately mesh with part IV regulations. In short, those that participate in blue box funding are saying we need to have some kind of understanding here that will level the playing field with respect to those who are not participating.

How do you see the failure, quite frankly, of your government to move ahead in executing that memorandum of understanding or negotiations with those that participate in the blue box funding and the impending regulations under part IV? Another way of putting it is, why do you not get on with levelling the playing field for those who are already participating at the same time as moving ahead with part IV regulations? It seems to be, in my view, contradictory to put one on the back burner and then to presume to proceed with part IV regs.

Mr O'Connor: Thank you for the question, and thank you for your presentation. As you know, there has been quite a bit of cooperation with Ontario Multi-Material Recycling Inc and the government in trying to come up with the plan for reduction. We have David McRobert from the office of waste reduction to address some of the concerns you have raised.

Mr McClelland: The basic question is, why is not anything happening with moving that forward? It has been basically ready since 1990. It has not been executed as far as I know. We hear all the time that OMMRI is in jeopardy. It would certainly be one way of removing one of the clouds hanging over us. It is ironic that we are talking about Part IV and yet we have the system in place and we cannot seem to move ahead.

Mr McRobert: Certainly levelling the playing field is a very important issue to many different groups in the private sector, and it is something our office is actively working on. We expect this issue will be squarely addressed in a future initiatives paper, which will deal with financing issues, which hopefully will be released some time in the spring. Until then there will be every effort made to work cooperatively with OMMRI and to try to resolve the issues that have been raised. But it is a very complex matter and unfortunately it is difficult to implement a mechanism to level the playing field without also moving on some of the regulatory initiatives that we are working on in Initiatives Paper No 1.

Mr McClelland: Not to enjoin a debate here, I recognize that it is difficult, but the fact of the matter is that much work was done up to 1990 and virtually nothing tangible, apparently, has been forthcoming since that point in time.

Mr White: Can we leave this debate until after the witness has left?

The Chair: That is out of order. In fact, the rules of procedure of the committee are that the caucus can use its time in whatever way it wishes in questioning either the deputant witness or the parliamentary assistant. They can make a speech. That is the rules of procedure, so I would just ask that we observe that and allow members to complete the use of their time as they wish.

Mr McClelland: I might add, Madam Chair, that it flows clearly from the discussion of the deputant in any event, and perhaps Mr White does not understand that, but thank you for your contribution.

Mr Wiseman: I have read on page 2 that very few firms keep records on the amount of waste they are currently generating. I am really quite shocked at that because it would seem to me that a company would really want to know what it is generating, where it was going and how much it was costing them.

I know that IBM, for example, has managed to recycle 70% of the paper it produces. There are a couple of other companies in my riding that are so concerned and have done such cost audits that they know that if they are able to accumulate the strip from around the outside edge of a mould-stamping process, they are able to save X number of dollars, and they are currently looking at trying to develop techniques of reusing that strip. They are also looking at ways of recovering other parts of the process so that in the long run they can recycle and maximize every ounce of product in the manufacturing process. By the way, they are being assisted by the program from the Ministry of Industry, Trade and Technology which allowed them to hire an engineer over a three-year period to do that.

I am quite startled at this, because every time—since I have been involved in waste management for about five years—companies do this kind of analysis of their waste stream, they always find out that they are saving money. So what is going on?

Dr Maclaren: I agree. Waste auditing is the first step to identifying cost savings from waste reduction. I should point out that this study that is currently going on at the

University of Toronto, for example, is a sample survey. In other words, we are sampling in a random, stratified manner a number of firms in different sectors. Based on this information, there are certainly some firms out there that are doing as you suggest, and particularly the larger firms which tend to be the firms that are more able to afford the cost of a waste audit and the ones that are aware, perhaps, of the cost of a waste audit at the present time.

Many of the smaller firms know what their waste management costs are because they are billed by the waste hauling company, for example. But may not be as familiar with the exact amount that is being hauled away they because the waste is hauled away in bins which may or may not be full whenever they are collected. They cannot give exact figures on how much they are generating because they are being billed on a flat rate or on a per-bin basis rather

than on a per-weight basis. That leads to inaccuracies in trying to relate, for example, volume in a bin to estimated fullness in a bin to the amount that might be produced by a firm. But certainly there are examples out there of companies that have undertaken waste audits and have found that the cost savings are significant. Even though it costs a certain amount to have a waste audit done, the cost savings are usually sufficient to cover the cost of the waste audit.

The Chair: That concludes today's public hearings. For the information of anyone watching and for members of the committee, the standing committee on social development will reconvene on Monday, February 10, at 2 pm to continue with public hearings on Bill 143, the Waste Management Act, 1991.

The committee adjourned at 1722.

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Standing committee on social development

Waste Management Act, 1991

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Première intercession, 35^e législature

Journal des débats (Hansard)

Le lundi 10 février 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
Clerk: Lynn Mellor

Présidente : Elinor Caplan
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday 10 February 1992

The committee met at 1406 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / *Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.*

The Chair: The standing committee on social development is now in session. I would like to thank everyone for joining us this afternoon. We are having public hearings on Bill 143, the Waste Management Act, 1991. I would like to call our first presenter, the Center for the Biology of Natural Systems. Please begin by introducing yourself. You have 20 minutes for your presentation. Begin now.

CENTER FOR THE BIOLOGY OF NATURAL SYSTEMS

Dr Cohen: I was told I had an hour.

Clerk pro tem: It is an hour.

The Chair: It is an hour. You have an hour for your presentation and we would ask that you leave as much time as possible for questions. Thank you for pointing out that you had an hour.

Dr Cohen: Thank you very much for giving me this opportunity to testify before you today. My name is Mark Cohen. I work at the Center for the Biology of Natural Systems at Queens College in New York City. The centre is an interdisciplinary sort of think tank devoted to working on environmental and energy issues. Our director is Barry Commoner.

I received my education from Stanford University in chemical engineering and then a doctorate from California Institute of Technology, also in chemical engineering, where my thesis dealt with the physics and chemistry of air pollution particulate. After graduating I worked for the Los Angeles County Sanitation Districts, the body in Los Angeles that deals with both solid waste and sewage, for several years, and then for the last three years I have worked at the centre at Queens College.

Today I would like to talk to you a bit about recycling and a bit about incineration and the tradeoffs between the two. I am going to specifically talk about the situation that is occurring in New York City. I think you will find that there are a lot of parallels to the situation you face here.

You have probably seen composition graphs like this quite a bit. This is the composition of the New York City waste stream, the residential waste stream, and you can see that when you graph it like this there is a fair amount of paper, plastics and organics and smaller amounts of glass

and metal. When you look at it this way, it looks like you have all these resources you can deal with. What we do in New York City, unfortunately, and what is done in a lot of places is that people throw them all together and then we get what we call garbage.

What we share is a common challenge: What shall we do with this stuff? Right now what is happening in New York City is that about 90% of this garbage is going to the largest landfill in the world. It is an unlined landfill built in a wetlands and it leaks two million gallons of very toxic leachate every day into the New York harbour—and it is about to run out, so we face some similar problems here.

Everybody says that the best thing to do with our garbage is to recycle, reduce and reuse it. Even the incinerator companies will tell you that. The only real question and the only real debate, I think, is how much of the waste stream you can handle with the 3Rs. If you look at these various components within the waste stream, you find that virtually everything is either reducible, reusable, recyclable or you can substitute something for that material that is reducible, reusable or recyclable. This is the residential waste stream. The commercial waste stream, as you probably know, is even easier, because for any one particular site it tends to be much more uniform.

I am not going to talk a lot about reduction today, and that is not to short-shrift reduction at all. I think it is enormously important. It is just that the bulk of our work at the centre has been on recycling. One quick point on reduction—

The Chair: Excuse me. Could I ask that you do your presentation sitting down and maybe we can get someone to help with your slides, because Hansard is having difficulty picking up what you are saying.

Dr Cohen: All right, I will try to sit down.

The Chair: If you need help we can provide someone who will put the slides on for you.

Dr Cohen: Just a quick point on reduction. This is the fraction of plastics in the US waste stream. What you can see is that in the last 30 years or so there has been a dramatic increase, and I am sure you have probably seen a roughly comparable increase here in Ontario. The point of this is that things have been changing in the waste stream and plastics, for example, represent one of these changes. We are seeing a change from returnable, reusable glass bottles to plastic containers. The point is that it would be possible to go back to a situation that existed years ago where people were still drinking the exact same amount of soft drinks or what have you and yet they were not generating nearly as much plastic waste.

After you have done as much reduction and reuse as you can, the question is then, what of the remaining can you recycle? We did a study on Long Island where we asked the question, what would happen if you tried to

recycle everything you possibly could in the waste stream? We did this in a community in East Hampton. We found that without even trying to recycle plastics we were able to recycle 84.4% of the waste stream. This is an important study because I think up until that point most people had considered 15%, 20% or 25% as reasonable goals. People tended to go mostly for aluminum, glass and maybe newspaper, and if you do that you get roughly 25% at the maximum. But when you include things like food garbage, for example, that could be composted and rubber that can be made into crumb rubber etc, you can get much higher fractions of the waste stream.

This is one of the most important things I would like to leave with you today, and I am going to go back to this first slide here. The top again is the composition of the waste stream. The bottom now is the relative contribution to the heating value of the waste stream. If you look, you see that to a certain extent organics and textiles but predominantly paper and plastics make up the largest part by far of the heating value of the waste. I have used the lower heating value to take into account the fact that when you have things that are moist, the incinerator has to heat up that water and boil it off first, so this represents a lower heating value. Again, this is for the New York City waste stream. I am sure it would be comparable for the Toronto waste stream.

Incinerator advocates will tell you that incineration is compatible with recycling. I saw this in at least one of the testimonies; I think it was the Ogden Martin testimony. But actually that is only really true if you look at metal and glass. The incinerator companies would love to see you take the metal and glass out of the waste stream, because it does not burn anyway and it just contributes to their ash. But everything else that burns in an incinerator, the paper and the plastics largely, are reducible, reusable and recyclable. So the only way an incinerator makes sense is if you fail in some way to reduce, reuse and recycle those burnable components.

Paper, as you know, is very recyclable and is certainly reducible to a certain extent as well. Plastic and organics are certainly compostable. There has been a lot of talk about problems with composting and I will come back to that later in my talk, but we have found that if you keep the compostables separate from the rest of the waste, not only do you avoid the toxins getting into the compost but you also avoid the food contaminating the other parts of your waste. I guess the main point I am trying to make here at the beginning is that recycling and incineration compete directly for the same resources.

Another thing the incinerator companies will tell you is that the heating value of the waste stream after recycling can be higher than the heating value before recycling and reduction. I think that misses the point. It is true that if you take out certain metals and glass and things like that, what you are left with can have a higher heating value, but the important point is how much of it is left.

This graph shows what would happen. This is a before and after graph. For each one of these bars we have the BTUs per household per week generated in the current waste stream. Then in the little bar next to it is the BTUs

per household per week after a very ambitious reduction, reuse and recycling program comparable to the one we did in East Hampton. This is targeting essentially every possible thing you can in the waste stream that is feasibly recyclable, and you see that the amount of stuff left to burn is very tiny. It started out at about 130,000 BTUs per household per week total, which is about the equivalent of one gallon of gasoline—that is roughly what you throw away each week if you were to burn it all, about a gallon of gasoline—and it goes down about 85% to 90%.

One of the problems with incineration is that you build an incinerator at the beginning and you have whatever level of recycling you have when you build the incinerator, and then that incinerator lasts for 20 or 30 or 40 years. But during that time when the incinerator stays static, your recycling and reduction program is growing, so eventually, if you build the incinerator at the right size to begin with to handle the current waste stream, you are going to run into material shortfalls, energy shortfalls, and we find that this happens all over the country. Recycling programs gradually become successful enough that they start robbing the incinerator of material. Right near New York City, in Warren county, New Jersey, there is a good example of that.

The other problem with the competition between recycling and incineration is that we do not really have enough money to do both. I am not sure what the financial situation in Ontario is, but in New York City we are definitely extremely strapped. What we have found in the last year is that the city has chosen to build and expand incinerators and has not funded the recycling program. We literally do not have enough money to do both.

I am going to talk about recycling in New York City in a lot more detail in a second, but I would like to go for a moment now and talk about some of the problems of incinerators.

Mr Cousens: Mark, did you bring anything for us to follow along?

Dr Cohen: I brought copies of these overheads and I think I gave them to the clerk too late for them to be copied.

Mr Cousens: We do not have them at all.

The Chair: They are being copied now and you will have copies of the hard copy.

Mr Cousens: That will be helpful.

Dr Cohen: Sorry about that.

Mr Cousens: That is fine.

Dr Cohen: One of the first points to make about incinerators is that they create dioxins, and I am sure you have heard this before. This is a recent study done on an incinerator that I think was in Germany. What you see is that the toxic equivalents going into the incinerator were 0.35 nanograms per hour and coming out of the incinerator were 0.39 into the air and water and 1.21 in the ash, so there is actually more toxic equivalent of dioxin coming out of the incinerator than is going into the incinerator. This is a well-known fact, that dioxins are synthesized in incinerators, and it is believed to occur primarily on fly ash particles. It is catalysed by metals, probably copper, although

to tell you the truth, people have been studying this and there are literally hundreds, if not thousands, of papers every year discussing what the mechanism for the formation of dioxin is and we do not really know yet what the formation is.

In a way, that makes it sound like maybe my case is not as strong as it might be, but on the other hand it also means that the incinerator companies cannot really figure out how to control dioxin either, because they do not really know exactly how it is formed, so it is very difficult then to design an incinerator or design a modification to control it.

There has been a lot of horrendous horror stories about dioxin and you have heard about the milk from the cows that were grazing near the incinerator in the Netherlands. The milk turned out to have so much dioxin in it that it was a hazardous waste. In Sweden they had some very terrible problems with dioxin and because of that they passed a moratorium on incinerators. They gradually figured out some ways to slightly reduce the dioxins and they lifted the moratorium, although I would like to point out that in Sweden the acceptable daily dose that the government says is the guideline is much less strict than the dose that is accepted in the United States. So Sweden is letting its incinerators give people a much greater dose than is perhaps warranted.

In the US the acceptable daily dose is 0.42 picograms per day of intake and we are each getting between 3 and 50 picograms per day. So in the United States we are getting between 10 and 100 times more dioxin than we should.

1420

A lot is said about new incinerator techniques and designs that will reduce the levels of dioxin. Here is an example of a paper that has just appeared in this month's *Chemosphere*, where they went into a plant in Germany and they decided, "Let's see if we can fix this plant and do everything we possibly can so that less dioxins will come out of it." The first two tests—test run 1, tests 1 through 5, and test run 2, 1 through 5—were before the design modifications took place and the last set of three tests were after this supposed improvement took place. You can see that there is a small improvement, although the variation among the data is so great that if you happened to be breathing on the day when this point took place, you would not necessarily know that you were exposed to any less risk than if you happened to be breathing on that day.

But perhaps an even more important point to make about this is that the standard in Germany—and I think it has been passed now; it has been proposed—is 0.1 nanograms per standard cubic metre cubed in the exhaust gas. So even though they are showing a small improvement, they are nowhere near close to the standard yet.

Another problem they are having in Germany is that in some cases they are installing activated carbon filters to catch dioxins and in some cases even to try to catch mercury. I have just heard that some of these activated carbon filters are catching fire at this point because, as you can imagine, it is like a piece of coal in a way and it is being exposed to these hot gases and it is actually catching fire. The other problem with activated carbon filters—remember I told

you earlier that dioxin is synthesized on the surface of fly ash?—is that here they are potentially putting in more carbon substrates. Either they inject it into the combustion chamber or afterwards, and you would have to ask the question if this might not actually increase the synthesis of dioxins in an incinerator. You certainly have to do that experiment to find out.

Much has been said about the use of garbage as a fuel and I would just like to point out, and you have heard this a million times, I am sure, that garbage is a very dirty fuel. This chart compares the per unit of energy you would gain and the level of metals between oil and average value for United States coal and solid waste. You can see that for virtually every heavy metal on this list, solid waste has far more in it.

What happens to a metal in an incinerator? What happens to most metals, like lead, cadmium, mercury, the ones that we hear are mostly of concern, is that they are volatilized in the combustion chamber and they are literally in the gas phase. They float up out with the gases and, as the gases cool, most of the metal condenses out on to the particles. If you are lucky you catch the particles in your pollution control device and they end up in the ash. That is if you are lucky. For most metals, somewhere between 90% and 95% will end up in the ash.

But there is at least one metal, mercury, which has not been shown to be reliably controlled. That is because mercury is so volatile that, even though the gases are cooling down, it is still hot enough in these exhaust gases for it to remain in the vapour phase. In cases where there is a lot of chloride in the gas you get mercury chloride, which is even more volatile, and so you have a sort of synergism there which keeps it in the gas phase even longer. In the United States currently they consider a dry scrubber and a baghouse as the best available technology to deal with that. It has not been proven that a dry scrubber and a baghouse can reliably capture mercury. The tests sometimes show relatively good control and then the next day will show no control. It is a little like dioxin—they are not quite sure what the variables are that will allow you to control mercury. In the United States at least, incinerators are probably the largest source of mercury to the environment.

Suppose you are lucky enough to catch these metals and other toxics in the ash; you still have to deal with the ash. This is just one example of the relative levels of heavy metals in ash, and you can see that for almost all the metals, especially for lead and cadmium, the fly ash contains much more of these heavy metals than the bottom ash. That is because, as I told you about earlier, of the metals volatilizing and then recondensing on the particles after the gases have cooled down. So naturally these heavy metals will end up in the fly ash. Not only do you get heavy metals on the fly ash and bottom ash, but you also get significant amounts of dioxins and other toxic organics. In fact, as I mentioned, these dioxins are synthesized right on the surface of the fly ash as the particles are cooling down.

In the United States we have had quite a controversy over how to legislate or regulate this ash. Even though almost all fly ash and about a third of the bottom ash would legally qualify as a hazardous waste under US hazardous

waste laws, it has been decided that we should linguistically detoxify this ash and call it a special waste and let it be more or less disposed of as a normal amount of garbage. That is what we are doing in New York state right now. We are dumping toxic waste in our unlined landfill codisposed with regular garbage and it is leaching two million gallons of toxic leachate into New York harbour every day.

Recently you may have heard that a court in Illinois ruled that if a waste like ash, or any other waste, tests as a hazardous waste it must be treated as a hazardous waste. This is very significant because it is going to really level the playing field on the economic analysis and comparison between incineration and recycling. If you have to treat this 20%-to-30%-by-weight residue as a hazardous waste in a special landfill with double liners and leachate collection and leachate leak detection systems, it is going to make the cost of incineration much more fairly representative of its actual environmental costs.

One of the last points I would like to make about incinerators is that a great deal is made out of risk assessments, and anybody who is proposing a risk assessment will tell you that it is safe. They use a process called risk assessment to do that, and I would like to talk about some of the limitations with this risk assessment. First of all, the emissions that go into these risk assessments are based on ideal operating conditions, generally for a new incinerator, and they tend to be optimistic.

I would like to give you an important example. They were doing a standard stack test at the Commerce incinerator in California and the California Air Resources Board sent its team of scientists and the Los Angeles County Sanitation Districts, where I was working at the time, sent its team of scientists. They were testing the emissions out the stack. One day nothing unusual seemed to be happening and yet the values of lead, for example, and these other heavy metals in the gas coming out of the stack were dramatically higher. They went back to try to find out what had happened. Nothing had clued them. The opacity meter, all of the continuous emissions monitoring equipment that was functioning on that day showed no ill signs, no adverse effects. They found that one of the filters in the baghouse, and it is like a vacuum cleaner bag but a bunch of them all lined up, had just slipped off its housing. So since there was very little resistance to flow where that leak was, almost all of the gas went through that leak and very little of the gas chose to go through the rest of the bags. As you can imagine, it took the path of least resistance.

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The point is that the ideal conditions do not always happen in incinerators. The current continuous emissions monitoring systems and our current ways of even determining when a malfunction is occurring are not very good. In fact, in the United States law for incinerators promulgated a year ago, the new source performance standards for incinerators, they have a malfunction provision. They say that you have to meet certain standards, which in my mind are very lax standards, but then they say "except

when your incinerator is malfunctioning." So the emissions can sometimes be underestimated.

Another problem is that risk assessments almost invariably ignore the cumulative effects of various sources of exposure. They will look at their little source in isolation, as if that was the only thing we were all being exposed to. So any kind of synergistic effects between the various things that we are exposed to every day are ignored. Often food chain contamination is left out of the analysis, although more recently this has started to become added in. One of my colleagues at the centre, Tom Webster, did some of the early work on how you do the calculation for the food chain analysis.

Risk assessment fails to take into account the effect of past exposures. For example, some carcinogens actually act as a promoter, where you can be exposed to one thing at one time and then be more susceptible to cancer at a later date. The risk assessment that is done for the incinerator does not take into account the fact that you might have been exposed to something earlier that would promote your susceptibility to cancer at this later date.

Risk assessment fails to take into account the time dependence of exposure. It is often found that you can be exposed just for a small amount of time and then develop cancer, say, 10 or 20 years later. Most of the experiments that carcinogenicity estimates are based on are based on a whole lifetime dose of an animal. They just give it a long, heavy dose for its whole two- or three-year lifetime and they see if it dies of cancer or not. What they do not capture in those experiments is what would have happened if they were to have given that animal a small dose at the beginning of its lifetime. It might have still developed cancer. That kind of experiment is not generally done on carcinogens and so that kind of time dependence is lost.

Risk assessment fails to take into account background cancer rates. On radiation it has been found that the higher the cancer rate in the general population the more effect a given amount of radiation will have in terms of inducing cancer.

Risk assessment does not take into account sensitive populations. Infants and fetuses are definitely more susceptible to toxicological effects, even if you take into account the difference in body weight. That is because a whole lot of their enzyme systems are not fully functional yet, they have a lot of cell division going on as their bodies are growing very fast, and that cell division has been linked to a greater susceptibility to cancer. There is a promotion effect: They could be exposed earlier in their life and then for the rest of their life, in a sense, they have the chance to be exposed to that other exposure that can then link up to cause the cancer.

Risk assessment tends to focus on cancer only and tends to ignore other kinds of health effects and other kinds of ecological effects. Unfortunately, we basically do not know very much about risk assessment. Risk assessments can be very subjective.

In earlier testimony, I think it was Steven Sawell's submission, he mentioned that the World Health Organization had developed a risk assessment for incineration and had declared it to be safe. Well, the date on that risk assessment

was 1989. Of course, without any details of how they determined that, it is hard to really criticize it, but I will say this: In 1989 the World Health Organization issued a toxicological assessment of dioxin. That toxicological assessment of dioxin in 1989 has been essentially invalidated by the latest results in the field of dioxin toxicology in the last several years. Two of the studies that formed the main body of evidence people used to say that dioxin had an inconclusive link to human cancer have been found to be highly questionable in that the studies themselves were flawed: the control group and the exposed group got mixed up. I can provide additional backup on that. The reinterpretation of these two key experiments—the Monsanto plant in West Virginia, where people were exposed to dioxin, and the BASF plant in Germany—now is believed to indicate beyond a shadow of a doubt that dioxin does cause human cancer. There is a more recent study that has just come out in the last couple of months about another herbicide plant in Germany that again shows a conclusive link between dioxin exposure and cancer.

In one of the earlier testimonies—I am going to have to go a little faster here—there was a comparison between composting and incineration. The article was by Dr Kay Jones and the thrust of it was to show that if you compare composting with incineration, actually composting is far worse. I do not have time to go into this, but I will submit this article for the record. A rebuttal has been done of this by a professor at the state university at Stony Brook to show that in fact almost every assumption and every calculation that was done in this paper was wrong. If you do the calculations correctly, you find that incineration is indeed much more important, in fact 15 times more important, than composting in terms of its actual dioxin impact.

But this raises a larger question. If we are getting dioxin in our food and yard waste we are composting, what does this tell you about what we are being exposed to in what we are eating or when we are outside being bombarded by the same things that are getting on to the leaves and the yard waste? It is not really very fair to say that because there is dioxin in the compost we have to build incinerators when incinerators are one of the largest sources of dioxins that are ending up in the compost. It is a little bit unfair.

I am going to skip over some of these slides here. I am not going to discuss but I will submit for the record a recent report that was just released by the comptroller in the city of New York. This is an elected official who is the city accountant who keeps track of the budgets. It is very interesting reading. It basically makes two major conclusions: one, that incineration is far more expensive than recycling and, two, that it does not even save landfill space. I urge you to read this report. I will make one copy at least available to you.

I would like to share with you some of the data about recycling in New York City. I think that New York City and Toronto might face some similar issues and some similar problems.

One thing that is often cited is that the cost of collection of recyclables is too high. In fact that is cited in New York City. Here I am plotting the ratio of collection costs

of recyclables to regular garbage. If this was 3 here, this would mean that the collection of recyclables would cost three times the amount per ton as the collection of regular garbage. If it was 1, it would mean that the cost would be the same. Each one of these points represents a different community district in New York City. What you can see very clearly is that as the recycling rate goes up, the relative cost between recycling collection and regular garbage collection goes down. It stands perfectly to reason. If you are driving a truck around and only picking up a tiny bit of garbage at each stop, obviously it is going to cost very much. It would cost a lot of money to pick up regular garbage in that way.

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One of the problems in New York City is that we are not targeting very much of the waste stream. This is a graph for the Bronx. You have all heard of the Bronx, the home of the Yankees. On the axis here I have shown the percentage of the waste stream targeted for recycling and the percentage of the waste stream actually recycled. It is a little hard to read this, but this is only 8% at the top here. We are only targeting about 7% or 8% of the waste in the Bronx, and that is comparable to what we are targeting city-wide. We are targeting a very small fraction of the waste stream, even though 80% to 90% of the waste stream is actually recyclable. So when you see a recycling rate of only 3% or 4%—the current city-wide recycling rate in New York City is only 5%—you have to look at that with the fact that we are only trying to get 8% or 10% of the waste stream.

One of the reasons why the New York City recycling program is not working very well is that they have not devoted nearly enough money for education. I think this graph shows one example of that. This is a graph for the last two years of data for particular community districts. Again this is in the Bronx. Up until this point they were just recycling newspaper. What is plotted on the y axis here is the diversion rate. The diversion rate is that you take what you get and you divide what you hoped you would get. This is a fraction of how much you got divided by how much you hoped you would get, so this could be 100% if you were getting everything you were targeting. They were only getting about 10% of the newspaper in this district, and it had been going along that way for actually several years up to that point.

At this point they introduced some new materials into the district. They started metal, glass and plastic in the district. What you see is that not only did the diversion rate for paper climb, up to about 40% or 50%, but also the diversion rate for the new materials they added climbed to 40% or 50%. What happened was that they sent a mailing to everybody in the district telling them that there was a recycling program going on. This district was so education-limited, so little had been going on, that just simply a mailing being sent out to everybody in the district reminding them there was a recycling program boosted the recycling rate up to about 50% or even higher of the waste stream. Imagine if you were to put community organizers and the like into a community district.

This is kind of a depressing slide here. What I have plotted is the average diversion rate over the last year—and again, diversion takes into account that there are different targeting levels in different places; it is how much you get divided by how much you thought or hoped you would get—versus the median income. You can see that there seems to be a very strong correlation between poverty and not doing recycling and being rich and doing recycling.

There are a lot of theories you could ascribe to this. I do not think it is education, actually, because recycling is not really rocket science. I think anybody can understand why recycling is a good thing. I think what this reflects is the degree of alienation from society. I am not a psychologist or a social psychologist at all, but it is pretty clear that the people who are poor in New York City are being told every day in many ways that they are worthless, and they are not apt to really help out the city. I think that is one of the differences between New York City and Toronto, Ontario. I get the sense that you have a much more caring government here. I think that means, actually, you could have a better recycling rate here, because people are more likely to do something for the rest of society.

There are some glimmers of hope in New York City. We are doing a pilot test of intensive recycling. Intensive recycling is what we call it when we try to get everything in the waste stream that is potentially recyclable. This is a test in Park Slope, Brooklyn, and this is just showing the results for the paper. We are targeting all the paper in the waste stream, so it is like 30% or 40% of the waste stream. We are also targeting metals, glass, plastics, we are targeting food waste and we are collecting separate collection of food waste at curbside for composting. You can see we are getting roughly 70% or 80% of the paper we are targeting.

It is important to point out here that if you look at the patterns of participation, you find that you will go for blocks and blocks with everybody in the community doing it and then you get to one building where you find nothing is happening in that building. This is what we I think are finding more generally in New York City and you may be finding here in Toronto: that people will recycle when it is convenient for them to do it and when it is clear what they do. In large buildings, if the supervisor or the owner, the landlord, does not cooperate and does not set up an internal collection system where recycling can happen, then recycling probably will not happen in that building. What that means is that if you want to improve the recycling rate, if we want to get the diversion rate from where it is now, at around 80%, up closer to 100%, like we would eventually like to get, we have to go to the big buildings and make sure that there is an internal collection system set up there.

We are facing a very difficult challenge in New York City. You may not have been following the news—you have enough of your own things here—but we are in the process of planning for our solid waste now for the next 20 years. The city is probably going to propose an incineration-based plan. In response to that, there has been a unique and almost unprecedented coalition of environmental groups that have come together and proposed what we call the Recycle First system.

What it does is say, let's get rid of the garbage pail. Let's just have three or four containers, period, with no garbage pail at all. It is interesting, when you think of it that way, you have to participate in the program there. You might throw everything in one container, and I suppose you could call that non-participation, but we look at three to four separations, one container being the paper, textiles, fibrous substances that are dry, another container being hard, formed substances like metal, glass, rigid container plastic, even perhaps some bulk items—these could be easily separated out at a materials recovery facility—and a third container that is all the things you can compost.

I will tell you that when we have done these kinds of tests where you really keep the compostable materials separate from the rest of the waste stream, the quality of the compost you get is quite high. It is generally only when you do mixed waste composting that the decomposition process creates the organic acids which help leach the metals out of the rest of the waste stream into the compost etc.

I would like to end with this last slide here. At first it might be a joke. What I am showing here is the cumulative US production of polyvinyl chloride since it was invented up till the present. I have compared it, at first as a joke, with the cumulative mass of all life on earth.

The point I am trying to make here is that whenever we do anything with waste, we have to decide, is this process we are doing sustainable? Can we do this for not just the next five years or the next 10 years, but is this process something we can do for the next 1,000 years or 2,000 years?

It is very clear to me that incineration is something which is only a short-term gimmick. We might be able to get away with it for a while, but we certainly cannot imagine burning up our resources indefinitely into the future.

We eventually are going to have to move toward a 3R-based system. It is the only sustainable system that is possible. The only question is when, and I am pleased to support your Bill 143 because I think it is a very good step in the direction of getting us to a sustainable system. Thank you.

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The Chair: Thank you very much for your presentation. We really just have a few minutes remaining. One short question from each caucus. Mr McClelland first.

Mr McClelland: It is interesting to note, sir, that in conclusion you said you are pleased to support Bill 143, because I heard a lot about incineration and some of the other components but missed much about Bill 143. Your scientist's background is one of looking at empirical data. Are you familiar with our environmental assessment process in Ontario?

Dr Cohen: No.

Mr McClelland: Okay. Let me tell you this about the Bill 143 that you are pleased to support. Environmental assessment process says basically this: that you look at things objectively, you line them up, you bring the closest possible scrutiny to bear, and you make decisions based on empirical evidence. I find it curious for you, somebody

who comes from that alleged background—I take it you are here as a volunteer today.

Dr Cohen: Yes.

Mr McClelland: At the invitation of the New Democrats, brought up from New York to tell us how good Bill 143 is, but you are not familiar with the Environmental Assessment Act. Bill 143 basically puts that aside. Let me put this question to you. Without any kind of public scrutiny, public accountability and tests of empirical data and scientific evidence, how would you like to have somebody like the great environmentalist president, Mr Reagan, calling the shots? Because that is what Bill 143 does, sir. It says that the tests are what the person in charge believes to be right. It says that people like you do not get an opportunity to lay your cards on the table. It says that people who have differing opinions do not get to articulate their differing opinions and make decisions. It says that the person who sits in the environmental minister's chair basically says, "I know best."

That is great when the people generally agree with your particular philosophy. But think about it. If somebody you thought was completely archaic, if you will, or had a closed mind, sat on the other side of the coin, somebody who came in here—and we are not talking about incineration; we are talking about the right to allow people in a free society to put forward their ideas and subject them to scrutiny. That is what we are talking about, and yet you have, quite frankly, the gall to come here and say you support Bill 143, and you do not even know the process that it fits into.

For that, sir, I have to call you to account because we are not talking about incineration. Nobody here is arguing—some people may well want to do that—I am not here to argue whether you are right or wrong about incineration. What I am suggesting to you, sir, is that Bill 143 is not about that. Bill 143 is about full participation. It is about scrutiny. It is about empirical data. It is about making scientifically based decisions. How as a scientist you could say Bill 143 is good stuff and you do not know the scheme that it fits into, I find curious, as somebody who would, I think, professionally want to know that the framework you are operating within, the control factor if you will, is among other things the Environmental Assessment Act. I simply say that in brief rebuttal, but we do not have an opportunity for other questions. Think about what would happen—

The Chair: Mr McClelland, your time is up.

Mr McClelland: —if somebody who was totally contrary to your point of view had the authority to call the shots. And that is what you are saying you support when you say you support Bill 143.

The Chair: There are five minutes available for your caucus, Mr Cousens. I have assumed it would be one questioner. I have you and Mrs Marland on the list.

Dr Cohen: Is it okay if I respond just for a second?

The Chair: You can take it as notice, and there will be time at the end or you can respond in writing. Mr Cousens, you have the floor.

Mr Cousens: There are two points that I wanted to make, and the first has to do with the fact that there are many elements to Bill 143 that go beyond the issue that you have given a great deal of your time to. One of the many issues that are part of Bill 143 has to do with the shipping of garbage outside Metropolitan Toronto and the greater Toronto area.

New York had the sad saga of filling up a boat, trying to send it around the world and then getting it back; so I would be interested in your commenting on that one aspect of dealing with waste, a very difficult one for us because we now have a wall being built around the greater Toronto area within Bill 143, which means that if you want to send garbage outside, especially for a landfill—we are just cross-border shipping quite a bit of it now, and there are other ways—as long as we send it down to the United States it can be incinerated or it can be a number of other things. But in the meantime, we are getting the wall built around this greater Toronto area which restricts the shipment of waste, for instance to Kirkland Lake, which I am wearing this shirt for. So I would be interested in how you handle the shipping of waste out of New York.

The second question I wanted to ask is about dioxins, and I have a number of questions on that. You have raised some sensitivities for me that I have to look at more closely, and if your purpose was to make sure that someone who is leaning towards energy from waste—I have to give very serious consideration to your data and those that are giving me other points of view. I would be very interested in what they have to say. If you could comment on the first point especially and I could get some of your other background on dioxins, I would be more than interested.

Dr Cohen: Sure. First I would like to go back to the first gentleman's—

Mr Cousens: That is not the way it works.

Dr Cohen: Okay. I am sorry.

The Chair: No, you have the floor, and you can respond to questions that have come to you.

Dr Cohen: All right. I will respond to yours.

Mr Cousens: I just worry. I mean—

The Chair: He has the floor, Mr Cousens.

Mr Cousens: But Mrs Marland has a point, too, so I want to get—

Dr Cohen: Okay. I will be very quick. With regard to the export of the garbage, I think that in the end, it is largely a political question. My personal belief is that it is immoral to shift your wastes and make it somebody else's problem, and that is the consensus of the environmental community in New York City. When we look at what we are to do with New York City waste—and we are running out of landfill space, too—we have said that we will not ship the waste anywhere else. We will deal with it in New York City.

In the end it is a political question. If you can convince these other people to take your waste, one question you would have to ask is: For how long would you be able to convince them? What we are finding in the States is that people are becoming very sensitive to taking waste from

other places. New York City right now is trying to get rid of its sewage sludge. They are trying to get rid of it—a small fraction of the sewage sludge—in Oklahoma, and every single city they go to and community they go to, when they hear they are getting New York City sewage sludge, they are totally up in arms. So one problem is that once you see an opportunity to get rid of the waste in another way, it is a vulnerability in a way because you are vulnerable to the people where they are taking your waste deciding they do not want it any more.

I have heard the point raised that these people need jobs and that there could be good job opportunities in having landfills up there. I would submit that perhaps you should site a recycling facility up in these northern regions—perhaps. If it is jobs that we are worrying about, perhaps that would be another way. Take the same waste, but instead of taking mixed together garbage, have them take some fraction of your separated garbage and maybe for the same number of jobs.

Responding quickly to the first point, every single time scientists like myself have looked at this tradeoff between incineration and recycling, we have come up with the same answer. After a while, you have to stop beating your head against the wall. It is proved beyond a shadow of a doubt that incineration wastes resources and creates more pollution than we need. There is plenty of precedent for deciding that something does not make sense any more. Look at lead in gasoline. When it was first introduced in 1924, the Surgeon General in the United States banned it for a year.

Mr McClelland: That is not what we are talking about.

Dr Cohen: Well, I guess what I am saying is that you are saying—

The Chair: Order, order. Mr McClelland, you do not have the floor. Please ignore him.

Dr Cohen: I guess the point I am trying to make, Mr McClelland, is that there are occasions when even the best scientists will decide that something is too dangerous or too toxic or does not make sense to do. We do not spray DDT any more. Hopefully, soon we will stop using mercury in everything that we are using it in. There is a wide range of things that we can decide to stop doing, and every time somebody wants to fill his gas tank with gasoline, we do not have to go back into the debate over whether there should be lead in that gasoline or not and vice versa.

The Chair: Thank you very much for your response. Mr Wiseman, you have the floor.

Mr Wiseman: Contrary to what you heard from Mr McClelland, Bill 143 bans incineration as an option within the Environmental Assessment Act process. I just wanted you to know that.

We have heard from other groups supporting incineration. They talked about European incinerators and Japanese incinerators and how good they are. I have also heard that incinerators in Florida are really good as well. Do you have the expertise to comment on that, and if you do, could you please comment in terms of the evaluation of how good they are and how much toxic material is in them and what is happening to the fly ash and the bottom ash and so on?

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Dr Cohen: One would have to look at the specific test results coming out of these various incinerators. I showed you some today, and the test results that we are getting out of Germany show very high levels of dioxins coming out and the same problems with lead, cadmium and other metals in the ash.

You have an inherent problem with incinerators. Any metal in the waste stream is going to end up as a toxic metal in the ash. There is no way to get around that. You have an inherent problem with dioxins. Because there is chlorine in the waste, because there is fly ash, because there is copper—even a little bit—you are going to get dioxin formation. As I said earlier, the best incinerator technicians in the world do not yet really know how it is created, and they do not yet know how to control it. So I think you have the same problems in Europe as you would have here or in the United States.

The Chair: Thank you very much for your presentation. I have one minute remaining. Mrs Marland seems very anxious. Is it the wish of the committee to allow her the one minute?

Mrs Marland: Maybe I can just put these questions on the record. I find this is the most in-depth presentation I have heard on the subject of incineration. Whether or not you got flak about dealing with the bill that is before this committee, I enjoyed your presentation. I would like to ask you—and you can respond as the Chairman will direct you afterwards how to deal with these questions—what you are doing in New York state to develop markets for the recyclable materials, because that is always the pro-incineration argument. Also, could you tell us why it is we keep hearing that incinerators are not a problem in the United States and they are not a problem in Germany? Why do you think we are told that, and do you have any information on whether incineration of municipal solid wastes in the manufacture of cement in the cement kilns puts at risk the ambient air the same way it does in regular garbage incinerators?

The Chair: Thank you. Any other questions for the record? Mr Wiseman.

Mr Wiseman: Yes, I would also like, if you could supply it, a list of regulations on packaging and content of materials in New York state and other states that you know of for a recycled product, and what the regulations will be.

The Chair: Even though one hour seems to be a long time, we know that no matter how much time we have, it never seems to be enough. We have taken to asking members of the committee to put their questions on the record, and then if you would be so kind, respond in writing. Our clerk will make available to you those questions which have been placed on the record in case you did not get them exactly, and if we receive your reply before February 14, it will become part of the public record. If we receive it after February 14, and we know that is only four days from now, it will be shared with all members so that they can consider it during the deliberations of these hearings.

Thank you very much for appearing before us today. As mentioned before, hard copies of your slides will be made available to members of the committee.

Dr Cohen: Can I also give the committee copies of these various reports I mentioned throughout my talk?

The Chair: Our clerk will take them from you now. Over the course of our hearings, if there is additional information that you feel might be helpful to committee members, please feel free to communicate with us in writing. Thank you very much.

CANADIAN NATIONAL RAILWAYS

The Chair: I would next like to call Canadian National Railways. You have one hour for your presentation. I would ask that you begin by introducing your delegation. We would appreciate it if you could leave as much time as possible for your questions. I think you are aware of how the committee has been functioning. Please begin your presentation now.

Mr Deegan: Madam Chair, members of the committee, good afternoon. I am Allan Deegan. I am a vice-president with Canadian National Railways, and I have accountability for CN's operations and business activities in the province of Ontario. My colleague today is Rick Hayes, manager of industrial development for the Great Lakes region.

We appreciate the opportunity to take part in these proceedings, and to describe why the rail mode of transportation should become a vital component in Ontario's waste management measures. Very shortly we will present to you a video that captures the essence of the 5R waste management proposal. By the way, 5R gets its name from the first letter in the word "rail" and the other R words so popular in many waste management practices throughout the world today.

5R was developed in cooperation with Metropolitan Toronto and the Ontario Northland Transportation Commission. Very simply, 5R is an intermodal transportation system. Its integration of rail and highway modes fosters a balanced and efficient use of transportation resources. 5R represents a sensible yet compelling way to attack our potential solid waste problem in the greater Toronto area.

Intermodal transportation systems are considered highly desirable by legislators and transportation planners throughout the world. Combining rail for the long haul with existing pickup systems and transfer stations translates into immeasurable benefits in terms of energy efficiency, flexibility and transportation costs. In many respects it is the logical solution to so many of the problems plaguing society today, such as congestion and safety hazards on our highways, staggering road maintenance and repair bills, depletion of non-renewable resources and growing atmospheric pollution.

CN has been actively involved with intermodal for some 40 years, and intermodal is by far our fastest-growing business. It is worth noting that the Canadian Council of Ministers on the Environment, in its draft plan to reduce air pollution, referred to the need to strike a better balance between road and rail modes as a means of solving the problem. Very recently a task force of the Ontario Round Table on Environment and Economy, chaired by Minister Grier, recommended that expansion of intermodal services in the movement of goods be encouraged in an effort to reduce energy consumption and emission levels.

Certainly intermodal transportation services such as 5R seem to be compatible with the transportation policies of the Ontario government. The Premier stated, "In our view, Ontario should adopt a new transportation strategy that seeks to significantly reduce the energy intensity of our transportation system."

Our video, as well as our brochure, which you now have, touches on the social, economic and environmental advantages to be gained by using the rail system to move residual waste. I believe very firmly that this is a solution whose time has come, especially considering the solid waste issue in the greater Toronto area. Unfortunately Bill 143, as constituted at present, denies Ontario the opportunity to realize these advantages, advantages that European cities have experienced for decades and that American jurisdictions are just beginning to recognize.

A recent issue of *Waste Age* magazine reported on the growing number of municipalities in many parts of the United States now involving railroads as vital parts of their waste management plans. I have personally observed one of the largest intermodal waste transportation systems, between Seattle, Washington, and Portland, Oregon, which is very similar to our 5R plan. Waste management planners, politicians and environmental activists are very pleased with its efficiency, cleanliness and cost-effectiveness.

According to section 14 of Bill 143, the Interim Waste Authority will not be empowered to consider alternatives that would involve the transportation of residual waste from the GTA to any other area. In other words, municipalities in the GTA will be required to dispose of their waste within the boundaries of the GTA. This would clearly rule out the rail option as a viable component of waste management actions. Generally speaking, the true economic benefits of rail transportation are most pronounced when large volumes of commodities are carried over relatively large distances.

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As a mover of goods and people throughout Ontario for some seven decades, CN has played an important part in the growth and development of this province. It is our hope to be able to continue to make a significant contribution to Ontario's prosperity and quality of life. There is a great opportunity here to utilize the existing rail network to help ease one of the most challenging and complex problems of this area today. Moreover, linked as it is with one or more materials recovery facilities, 5R delivers an opportunity for new economic development which generates new jobs.

CN was instrumental in the development of the GO Transit rail commuter system, which has proved remarkably successful in attracting hundreds of thousands of our rapidly growing population to public transit, thereby reducing traffic congestion. Similarly, our rail network is available to help planners solve another outgrowth of the GTA's population and industrial expansion: the garbage problem. For some three and a half years now we have been advancing the environmentally sound concept of moving solid waste by rail in sealed containers.

In consultation with the city of Vaughan, we have identified a CN site at our major rail classification terminal at MacMillan yard that could be used as an intermodal transfer station for the handling of containers on to rail cars for

transport to the designated disposal site. As the proposed host city for this activity, Vaughan certainly endorses this concept in principle. As you have heard from others, the proposed destination of residual waste, the Adams mine site near Kirkland Lake, has the support of the surrounding communities.

Perhaps now would be a good time to view the videotape we have on our 5R system. I would now like to turn things over to Rick Hayes for a few minutes.

Mr Hayes: The video we are about to show runs for about 12 minutes. It was produced by Canadian National Railways and the Ontario Northland Transportation Commission back in June 1990. It was produced for Metro Toronto when the railways were in a competitive bid against trucks for what we thought would be a long-haul movement of solid waste from Metro or Vaughan to a designated landfill.

The idea was to sell or promote to Metro the use of the double-stack intermodal train systems to move solid wastes and also to help explain railway terminology and technology, terms such as "double-stack container trains," "hook and haul systems," "interchange points" and "intermodal transfer terminals." The research and development for intermodal systems has already been invested by CN. We are currently moving double-stack container trains to eastern and western Canada and south into the US marketplace.

This video also demonstrates how intermodal systems can be integrated with material recovery plants, whether in Metro or elsewhere. The video is also site-specific to Kirkland Lake. At the time, Metro was negotiating for ownership rights to the Adams mine, which is currently served by rail.

There is no magic to what we are proposing here. The technology is in place now, it is proven and it works. With that I ask your communications people to please show the video.

[Video presentation]

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Mr Hayes: Included with our brief we have submitted a copy of our 5R waste management brochure called Right for the Times! The brochure basically parallels what we have shown you today in our video. I will not read it. There are six pages of what we believe are the real facts on the economical and environmentally sound rail-based waste management system.

Before I turn it back to Mr Deegan there is one other comment I would like to make. Since the commencement of these hearings we have received a number of requests from various community groups, particularly in the Metro and York regions, to supply them with more information on the movement of waste by rail. It is our intention over the next few months to hold or attend many of these public meetings and, with the use of our video and brochure, demonstrate to the people of the GTA that there is a legitimate alternative to siting new landfills in the GTA, or an alternative to Bill 143, which we believe deserves consideration.

Mr Deegan: Very clearly the movement of solid waste by rail represents potential new business and new revenues for Canadian National and Ontario Northland, and it represents more work for our train crews. Our rail network has the capacity to handle the projected volumes both safely and efficiently.

In the course of helping Ontario's industries compete in their new global marketplace, CN will be investing some \$45 million in Ontario this year alone to renew and expand our plant and facilities so that continued high standards of service will be assured. These expenditures include the expansion of our intermodal terminal at Brampton and improvements at our international gateways. Additionally we have recently announced the construction of a new, \$155 million rail tunnel between Sarnia and Port Huron, Michigan to assist Ontario manufacturers in getting their products to and from the US market.

Approximately 6,500 CN employees work in Ontario. Their payroll pumps well over \$200 million annually into the provincial economy. CN buys more than \$100 million worth of materials from Ontario's suppliers each year and contributes a further \$35 million in municipal and provincial taxes.

Our people are professionals, ready and eager for the challenge of this new business opportunity. What they find very difficult to understand and accept is this: Why is CN being deprived of the right to compete for this new business?

I am sure our friends in the railway business would agree that the past several years have not been kind to rail freight carriers in Ontario. Public policy has served to give the trucking industry substantial competitive advantages over rail at public expense, and this has led to a pronounced shift in freight traffic from rail to highways. One of the sad statistics related to this continuing shift lies in the shrinkage of the track network. For the past 10 years, CN has found it necessary to cease operations on nearly 1,300 kilometres of track in Ontario, and more than half as much again of that number is under review at this time.

We are committed to fostering rail-based industrial development as a means of enhancing the viability of the rail network so rail will continue to fulfil a socially desirable role in the transportation system in Ontario; 5R is very much in keeping with these objectives. We ask that you consider this alternative.

Thank you for the opportunity to present this brief. We are prepared, both Rick and I, to respond to questions. We request that you kindly set aside one minute at the end of the question period for us to do a sum-up statement.

The Chair: Thank you very much.

Mrs Marland: This is a very well-presented, impressive brochure. Obviously you must have gone back to the same people who did the famous CN logo for the 5R logo. It is very effective; I congratulate you on it.

This is the first time I have heard about this proposal in depth so I was very interested to hear your presentation this afternoon. I guess I had never pictured what happened en route, and I had not taken into consideration that part of this transportation depended on the Ontario Northland, which is owned by you and I as taxpayers in the province. When

I look at the Ontario Northland Railway as it exists today, I have some questions for you. First of all, how long has CN and Ontario Northland been discussing this proposal, and until how recently?

Mr Deegan: I should start off by saying that CN and Ontario Northland have about a 20- or 25-year history of doing business on that very route, because for that length of time both roads were hauling iron ore from the Adams mine site down to Dofasco in Hamilton. Really, what we are proposing is the reverse of that move.

In terms of how long we have been discussing it, we have been holding discussions and doing planning with Ontario Northland for approximately three years.

Mrs Marland: You have been doing it right up until recently?

Mr Deegan: Yes, very much so.

Mrs Marland: The reason I ask that question is that obviously you have been doing it with both the current government and the Liberal government then because Ontario Northland has gone through both those governments.

Mr Deegan: Yes. Our activity spans both eras.

Mrs Marland: That is the point I want to make, because I think it is significant that both governments have obviously been interested in this proposal by ongoing discussions through the Ontario Northland Transportation Commission.

Am I correct that you have this changeover of your cars from the CN line to Ontario Northland? I understand how the module works, but the flatbed railcar, if that is what you call it, on the Ontario Northland, does that belong to you or Ontario Northland? Obviously the point of my question is, are the taxpayers of Ontario going to have to spend millions of dollars adding extra cars to Ontario Northland to increase its capacity to carry the SR program?

Mr Deegan: First of all, it would naturally be the same cars that make the entire trip from Toronto up to Kirkland Lake and back. Frankly, they are just stopping long enough in North Bay to change crews. As far as the cars are concerned, that will get down to a matter of a proposal on price, should we get to that point, all depending on who our customers are, if I can term it that way. If the customer happened to be the province, the province would have the decision whether it would want to own the rail cars or whether it would want Canadian National to own the rail cars, and hence the per-tonne charge would vary. The same would apply, for instance, if Metro government was our customer. Would Metro want to own the cars or would it prefer Canadian National and Ontario Northland to own them? It is really a matter of the policy of the customer at the time and it is a matter of financing.

Mrs Marland: The proposal would mean that one of the possibilities is that CN might pay for the use of the Ontario Northland line, the way GO Transit leases your line between—I do not know what happens east of Toronto.

Mr Deegan: Along the lakeshore, yes.

Mrs Marland: I know what happens between Toronto and my riding.

Mr Deegan: The more likely scenario would be that, again, whoever turns out to be the customer would pay

Canadian National, and Canadian National and Ontario Northland would enter into what we term a division of revenue, based on mileage and relative effort.

Mrs Marland: Does CN have enough of the cars that it could go ahead with this now? What I am trying to avoid is it costing the Ontario taxpayers any more by having to invest more money in the equipment of Ontario Northland Railway.

Mr Deegan: Yes. I am not being facetious when I say I hope we do not have those cars sitting around idle right now. In fact I would like to turn it over to Rick Hayes, who could give some idea of the extent of rolling stock, both cars and locomotives, that would be required for a move of this type, and I might add as well, equipment that can be very easily and readily manufactured competitively in Ontario.

Mrs Marland: Also in your answer, Rick, would you address the aspect of safety. Obviously, coming from the city of the famous derailment, albeit not on your line, but—

Mr Hayes: To be specific on your question re containers and flatcar use, it all depends on the volume of traffic that is going to be given us. When we had discussions with Metro Toronto we were looking in the area of about a million tonnes a year out of Metro alone, and that would equate to about one unit train a day, which would have 160 containers or 80 flats. We do not have that type of equipment sitting idle today, but it can be readily made available through leasing or, depending on the time frame, we could have it on stream probably within a year to two years, maybe sooner if the demand dictated. We could start up today on a minimal move, depending on what it would be. We certainly have the intermodal systems in place, both in Vaughan and at our Brampton terminal, that would carry a minimum of tonnage, but it would all depend on the type of system we were working into, keeping in mind that the railroad is only a component of the entire system.

As far as safety is concerned, I am certainly not an expert on the safety aspect of it—that is more the responsibility of our operating people—but I believe CN's safety record speaks for itself. We can certainly submit to the committee a number of documents that would clearly define the safe railroad we run. I believe that in the past we have been awarded items that indicated our safety record as being, if not the best, one of the best in North America. The issue of garbage and safety, compared to chemical movements etc, is not a concern on our side.

Mrs Marland: Because everything you put in these cars is compressed solid waste?

Mr Hayes: We are talking residual waste after recycling, and anything that could be classified as dangerous will already have been removed, hopefully. Then we are talking an airtight, sealed container. You are not going to have leakage and you are not going to have other issues of a safety nature.

Mrs Marland: That interests me, because my understanding was that part of the interest of Kirkland Lake was that it was going to have this very large facility up there that did recycling as well. I did not picture that the garbage

being transported to Kirkland Lake was already presorted, yet your proposal is suggesting that.

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Mr Hayes: It depends on the deal that is finally struck with Kirkland Lake. I believe we all concede that Kirkland Lake needs something out of this to justify receiving the waste, and yes, there will be some recycling in Kirkland Lake. The majority of it we believe will be here in the GTA, but there are certain commodities we hope can be utilized in the north and will be shipped to the north for further recycling so they do not have to be shipped back. There will be the majority of it in the GTA, but there will be some recycling in Kirkland Lake.

Mrs Marland: Have you had any indication from the current government, through the Ontario Northland Transportation Commission, about what kind of financial commitment the government is willing to make towards this proposal?

Mr Deegan: If I may answer that, Mrs Marland, no, we have not had direct communication with the government in terms of financing the proposal. Indeed, most of our discussions have been held with the president of the Ontario Northland Transportation Commission in terms of working out both the operational and business considerations of the proposal.

Mrs Marland: Is there some element of the proposal that would eliminate their having to bring anything to the table other than the use of their lines?

Mr Deegan: Again, it would depend upon how it was structured. That is entirely possible, and to the degree that they enter—as I believe you are trying to describe—minimally into the transaction, just using their lines and their train crews, then that would certainly have an impact upon the division of revenues I talked about earlier.

Mrs Marland: But the division of revenues would obviously be fair, because it would be dependent on the investment of the parties at the table.

Mr Deegan: That is correct.

Mrs Marland: I certainly understand that. I think those are all the questions I have at the moment.

The Chair: Mr Wiseman is not here. Mrs Mathysen.

Mrs Mathysen: Yes. Thank you for your presentation. I was going to ask one question but what I have just heard prompts me to ask another, and what I have heard disturbs me. The whole point of this project—at least that was my understanding—was to take material to the north so it could benefit from recycling and the recovery of material, and now you say that most of that recycling, or a significant amount of it, will take place in the GTA. That leaves a waste product going to the north and going into a hole. Ultimately my question has to be, who is really going to benefit from this project? From what you say, the people of Kirkland Lake are not going to be the beneficiaries.

Mr Deegan: I might start off by saying the degree and the location of the recycling will be decided by whichever authority is in charge. That is not up to us to decide. We can only assume that recycling will take place where it is sensible to recycle. Certainly when you take a look at Kirk-

land Lake, for instance, there is a very strong argument that says there are markets for certain recycled products up north and it makes sense to do some recycling up north. Clearly there is also a compelling argument for activity up at the Kirkland Lake end of things in terms of providing employment for what is otherwise a reasonably depressed area when it comes to the workplace. There will undoubtedly be some recycling activity that goes on in the south as well. The idea is to take the residual waste, waste that cannot be recycled any further, be it from Toronto or be it from a processing facility at Kirkland Lake, and to landfill the residual waste that cannot otherwise be processed or utilized.

Mr Hayes: If I may add to that, there are jobs associated with the rail activity up at the mine, the loading and offloading of the containers, there are certainly jobs associated with running a landfill and there are other associated jobs with maintaining engines, maintaining containers and so on and so forth. In the total mix, we do see plenty of jobs.

Mrs Mathysen: But exactly where those jobs are ultimately placed is still a matter of some question, would you not agree?

Mr Deegan: If I may answer that, you are right. Where the jobs are located is a matter of where the policymakers decide to relocate the facilities.

Mrs Mathysen: These policymakers—I am a little bit concerned. If ultimately the proponents in Kirkland Lake decide that it is not feasible to transport all the material and therefore it is more to their benefit to recycle in the south, then they will be the deciding factor?

Mr Deegan: I would prefer not to handle that one directly, because I know this committee will be journeying to Kirkland Lake and I believe the town of Kirkland Lake will be giving you a very direct answer on that. All we can go by at the moment is the referendum that was held up in Kirkland Lake in conjunction with the municipal elections, which presented a very favourable response to the proposal of handling residual waste up in Kirkland Lake. But as I say, I would like to defer any opinion I have to the committee to ask that up in Kirkland Lake.

Mrs Mathysen: Thank you. By the way, I have seen that referendum question, and it was posed in such a way that it was a yes-yes referendum and the validity of it is very much in question.

Mr Deegan: Again, I am sure that will come under much discussion if you are going to raise that question in Kirkland Lake.

Mr McClelland: Thank you, gentlemen, for being here today. You indicate in your brief that Bill 143 in its present form denies Ontario the opportunity to at least move forward with consideration of your proposal. I was interested in your response to my colleague Mrs Marland. You said your proposal included the shipping of post-recyclable waste. To what extent is your program necessary on the limitation of the type of material you could ship? In other words, you are talking post-blue-box. In the event that items were recycled yet

again or there was a subsequent sorting, what would that do to the financial viability of your project?

Mr Deegan: I will ask Rick to answer that, please.

Mr Hayes: It should not affect it that greatly. The containers are there. We will have designated containers for certain specific so-called recycled commodities. If the train is running on a daily basis and it is running at the volumes we predict, to have a separate container with a specific type of commodity should not in total affect the cost of the system. I cannot give you a direct answer until we would have the opportunity to sit down and work through what type of volumes we are talking about and on what type of cycle or system we are receiving them, but in general it should not affect the cost of the system.

Mr McClelland: One of the aspects of the whole recycling initiative is the economies of scale. Given those factors in northern Ontario, do you see your proposal, if it were to come to fruition, providing an opportunity for an enhancement of the recycling opportunities for northern communities that for the most part are not currently participating as fully as they might in the recycling initiatives that are being undertaken elsewhere in the province?

Mr Hayes: Yes, we do. Once again, it depends on—and it will have to be identified by the so-called experts—what commodities can be used in northern Ontario. But through the total system we see the opportunity to move recycled products, to some extent in specialized containers, to the northern community for further recycling and to deliver those containers directly to the source where they will be required for further use.

Mr McClelland: As far as the element of number of persons potentially employed in this project is concerned, is it a fair assessment—actually, I will just leave that as an open-ended question. What is the impact on current employment levels and future employment levels? Is it hold your own in terms of number of persons who would be employed in the process, or does it have a significant add-on effect for your particular employees? Will it increase your workforce?

Mr Hayes: It will certainly hold our own and it will increase our workforce. Things such as the maintenance of rights of way that are under way today, that workforce will be retained, maintained and may be increased somewhat. It will definitely increase our workforce where we are adding new unit trains, adding new engines. There will be more motive power crews required. There will certainly be more jobs at the origin and destination for loading and offloading containers and the terminal activity that goes on with the setup and movement of a unit train, so we see maintaining certain jobs and keeping those jobs and adding additional jobs.

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Mr McClelland: One other element that you mentioned as far as the investment part of your proposal was the development of the containers. Do you have an estimate in terms of how much capital would be brought into the province to develop the tools to carry out the proposal if they were developed here and an estimate in terms of the

export potential of some of the application of your systems perhaps elsewhere in North America or indeed internationally?

Mr Hayes: Once again, it depends on the volumes we are going to be asked to handle. The type of container we are looking at could run you \$16,000, so that times whatever number of containers we will need, depending on the volume. We have done a lot of work on looking at specially designed containers that will last the term of the contract that will be in place. We are trying to weigh the odds as to what is the best container, keeping in mind the economics involved in making this a competitive opportunity. There are a lot of things we still have to look at with respect to what is the best type of container, but that is being researched now and looked at.

Mr McClelland: So it is fair to say there is a fairly large potential for research and development funds to be pumped into Ontario and possibly subsequently to be exported. At least that potential is very healthy and exists.

Mr Hayes: We believe so.

Mr Martin: I also was very interested in your presentation. You certainly make a compelling argument for this project. Those of us who represent the north have looked at this in some detail and have tried to evaluate the benefit versus the cost, and so far we are not convinced that the benefit overrides the cost in terms of becoming the dumping place for the waste of southern Ontario.

Two questions: One, you certainly sound committed to the 4Rs that are in Bill 143. I would like some comment on the question of enforcing more completely the 4Rs by not having the factor of out of sight, out of mind, which the option of shipping garbage to the north provides very adequately.

The other question is, I assume you are a business person and understand the ins and outs of business, and this follows on the question of my colleague Mrs Mathysen; that is, the question of the most recyclable material being source-separated in southern Ontario and thereby the industry and the jobs being created here. I suggest to you that many people in northern Ontario, and in Kirkland Lake particularly, think that by getting the waste of Metro they are going to be getting not only the worst of the waste but the best of the waste so that we can maximize the opportunities that are there for recycling. But from your comment today I am led to believe that maybe that is not as lucrative as I had first thought it might be. Perhaps you might want to comment on that, because that concerns me greatly. I think we who live in the north certainly want to enhance the ability of our friends and neighbours to have good jobs and to improve the industry of the area, but the question I have is, at what cost?

Mr Hayes: On the last part with respect to how many jobs it is going to create and what type of waste you are going to get, there is, as we understand it, an agreement in place now between Metro and Kirkland Lake that calls for the receiving of 100,000 tonnes. That is the agreement that is in place; that is the agreement we will be working with. I do not think it is any secret and I do not think people in Kirkland Lake are being misled. Those numbers are public.

Those numbers have been on the table for some time and that is where we are coming from when we suggest there will be recycling in the north to a limited degree and recycling in the south.

But once again, that call is not ours. That call is Metro's, that call is the province's and that call is Kirkland Lake's, and we will leave it to those parties to make that final decision. But just for the record, there is an agreement in place now between Metro and Kirkland Lake with respect to how many tonnes of residual waste or how many tonnes of waste will be sent there for recycling, so we are not trying to mislead anybody from the CN side of it.

Mr Martin: Could you foresee the possibility of some guarantees being given, some contracts being written that would see northern Ontario actually getting as much opportunity in the recycling area of this as we would in having to take the residual and dump it in mine sites?

Mr Deegan: If I could answer that, I believe eventually there will be a contract in place that will be a negotiated contract. Certainly Kirkland Lake is designated as a location for the residual waste we have talked about, but it is also designated as a location in order to handle recycling and recycled products. The extent of that will be something that is negotiated by the parties involved. Certainly we, as the rail transportation carrier, do not have a definitive say in that.

From what I have seen of the effort and the enthusiasm and the willingness to invest on the part of the people up in Kirkland Lake, I do not doubt that there will be a substantial operation up in Kirkland Lake that will produce all of the desired spinoffs that the north is looking for. By that I mean the spinoff of employment, the spinoff of secondary industry and some of the things that were talked about in the video we showed. So in no way at all do we want to minimize the opportunity for recycling up north or minimize the efforts and the desires and the investment that the people up north are willing to put into it.

Mr Martin: Could you also—

The Vice-Chair: Thank you very much. Your time has expired, if you could put something on the record. Mr Wiseman has some questions for the record, and I think Mrs Marland has as well.

Mr Wiseman: My question has to do with cost efficiency and what the projected cost per tonne would be to transport Metro's garbage up north, recycle it and then bale it, and whatever the cost would be for the product to come back. I would like to see any studies that have been done on the comparative cost efficiencies of doing that in the north as opposed to doing that here in the south where the garbage is.

The second thing is just a comment, and I would like you to comment on it. If all the garbage trucks in the GTA are going to Vaughan to dump their garbage now and then they are going back and picking up empty, and all the garbage trucks in the GTA are going to Vaughan to put it on a train that will then burn diesel fuel to the north and burn diesel fuel on the way back, how can you claim that there is going to be a reduction in the number of trucks on the road and a reduction in the amount of pollution in the air?

The Vice-Chair: Thank you, Mr Wiseman. You will get these questions in writing from the clerk, and we would appreciate a response in writing by February 14. Thank you. Mrs Marland, you have some questions for the record?

Mrs Marland: Actually, my question is to the parliamentary assistant, I guess, or to whoever speaks for the ministry in this committee. I need to know how it is that we have heard all these pious statements from this socialist government about being opposed to transportation of garbage out of the GTA. In the meantime the government continues to meet and encourage CN in this proposal, which may well be a very good proposal, but I think in fairness, to lead anybody along through a government-owned railway, which Ontario Northland is—and obviously the Liberal government before that, whoever started these discussions and continues them for the current government when the current government is saying, "No way, Jose, is that garbage going to be trucked out of the GTA," and then CN comes before us today with a proposal where our own Ontario Northland Railway is an inherent partner of that proposal.

So I would like the answer from the Ministry of the Environment. Does the Minister of the Environment not know what the Minister of Transportation is doing? Obviously the Ontario Northland Railway comes under the Ministry of Transportation, I would assume, but does one hand really not know what the other hand is doing in this government?

1600

The Vice-Chair: We will request the parliamentary assistant to provide that in writing to the members of the committee as well.

Mrs Marland: I was just advised that maybe it is the Ministry of Northern Development that is responsible for the Ontario Northland Railway.

The Vice-Chair: So you would add that as well?

Mrs Marland: But in any case, hopefully they will know who is responsible.

The Vice-Chair: Thank you very much. As I mentioned before, you will be getting the questions in writing from the clerk, and we would appreciate it if you could respond. I guess it has to be here by the 14th, so you do not have that much time for it to become part of the record of these hearings. Otherwise, the committee will take your responses into consideration in deliberations in clause-by-clause. You have two minutes left.

Mr Deegan: In fact, we can do it in one minute.

The Vice-Chair: Go ahead.

Mr Deegan: I would like just to wind up by saying that our management, our employees and our union officers are in fact confused by the mixed message we are receiving from the current government on this issue.

Mrs Marland: I bet you are.

Mr Deegan: On the one hand we have the Minister of Transportation and his staff who are working towards a more integrated, balanced and efficient transportation system, fully recognizing the need to preserve the rail network in this province. They and the Premier seem to understand

the benefits of the rail mode in terms of both the environment and the economy. Yet we are told by the Minister of the Environment that there would be high financial and environmental costs in transporting waste long distances, and therefore the rail movement of waste is unacceptable.

Bill 143 would abruptly eliminate rail as an option in consideration of the GTA's waste management. We believe that surely this cannot be in the public interest. It is not in the interest of the GTA; it is not in the interest of northern Ontario; it is not in the interest of maintaining a viable rail network; it is not in the interest of our 6,500 employees in Ontario, and certainly we do not see where it is in the interest of the people of Ontario. We urge that rail transportation, as described in the SR system, be carefully considered as a sensible solution to the waste management situation in Ontario. Mr Chairman and committee, we thank you for your indulgence.

The Vice-Chair: Thank you for your brief. It was very well researched and will be given the utmost consideration by the committee.

CP RAIL

The Vice-Chair: I would appreciate it if the next delegation, CP Rail, would come to the microphones, please. You have 20 minutes for your presentation, and if you leave some time at the end for questioning, we will divide it equally among the three parties. If you request to have a summing-up period of a minute or two, please let me know. Go ahead. Identify yourselves for Hansard, please.

Mr Gilmore: Ladies and gentlemen of the committee, good afternoon. My name is Paul Gilmore, and I am vice-president of marketing and sales for CP Rail in Toronto. My colleagues I have with me today are Miss Terry Gloutney, our senior manager, and Mr Bob Brook, manager of our solid wastes product initiative.

I would like to thank you for the opportunity to express views today which are rooted in the commercial concerns of one company but which really reach out and touch the future wellbeing of all Ontario residents. As a native Torontonian who was born, raised and educated here, with family still living within the city limits, and after having spent a number of years in northern Ontario, I have a personal as well as a professional interest in seeing a comprehensive waste management plan adopted for the province. I hope I can share with you some of the perspectives I have gained after 21 years of experience with CP Rail, within both Canada and the United States.

I intend to show that rail transportation and the government's commitment to sensible waste management can be fully compatible. Following the question period I would like to take a moment to bring forward a very short concluding statement. We do have a detailed brief, I believe, which is now in your possession.

First I am going to present a short video which CP Rail has been showing to various audiences as a way of explaining the role we see ourselves playing in the handling of municipal waste.

[Audio-visual presentation]

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Mr Gilmore: Members of the committee, clearly the Ontario government's bold plan for waste reduction will not lead to the complete elimination of the need for handling huge quantities of garbage generated in the greater Toronto area. Railway transportation of what has come to be known as residual waste deserves consideration as one element in Ontario's waste management program.

If anyone were to propose using trains purely as a means of getting Toronto's garbage out of sight and out of mind, enlightened self-interest would compel me to argue against such a scheme in today's world. Rail haulage of waste should instead be regarded as a possible component in the overall waste management process.

The residents and commercial enterprises of the GTA have made great strides in moving towards more sustainable waste management, but no matter where you look, municipal authorities must still manage and dispose of residual wastes in the best manner possible, be it within the metropolitan areas or beyond their boundaries. Rail haul makes sense when moving products over long distances. Rail haul may even make a great deal of sense if the destination were a recycling or disposal site in the next town or city down a congested highway.

Reusable and recyclable materials are commodities to be marketed to various users. Recycling plants might be located in one area but because of economies of scale they may draw reusable commodities from a broader service area. In today's shrinking world we do not have to look too far afield for examples of how railway service can be coordinated with any aspect of the overall approach to waste management, from recycling to disposal.

In Europe and North America railways are being included in progressive approaches to overall waste management planning while efforts to bolster reduction, reuse and recycling continue. Seattle is a metropolitan area much like the GTA. It is also a relevant example of where rail service has been welcomed as an important part of an environmentally sound and economical waste management system. In southern California development work is nearing completion on systems that will incorporate not only rail haul to disposal sites but also to recycling facilities. Other examples are contained in an appendix to the brief.

The right rail system combined with the right waste reduction program could help the GTA find a greater measure of environmental and economic security while providing benefits for various regions of the province. The Kirkland Lake area, which can also be served, I might say, by CP Rail and the Ontario Northland Railway routing, is but one example of a number of possible CP Rail destinations where the local economic benefits would be of substantial value to businesses and communities. Across all of northern Ontario CP Rail employs about 2,000 people with a total yearly payroll of about \$90 million. In the province as a whole we employ about 5,900 people with an annual payroll of about \$250 million.

Many railway facilities are underutilized while public funding and congestion problems associated with fostering highway development and additional maintenance mount up. Furthermore, flexible rail technology, such as the intermodal

container and the bimodal vehicle, can provide the interface with Metropolitan Toronto's existing transfer stations that today's waste trucks provide.

In this context, we believe Bill 143 restricts the consideration of responsible environmental management which should include effective partnerships between the public and the private sectors. Our specific recommendations regarding the wording of the act are included in our brief, so I will not go into them now, but I would like to spend a couple of minutes outlining some of the difficulties we see.

Restricting the site search to the GTA service area could eliminate the best waste management system by removing the need for evaluation of all options. Furthermore, the proposed changes to the Environmental Protection Act will, by creating uncertainty as to the potential for changing policy direction and rules without public consultation, inject a considerable level of new risk into commercial investment decisions. This aspect of risk is also heightened by the proposed ability of the Interim Waste Authority to end or alter arrangements that might be in place for various aspects of a waste management system.

For the past three years CP Rail has been working with municipalities and commercial equipment manufacturers to develop a rail system and equipment adaptable to various categories of waste materials in the GTA and other communities. A CP Rail-funded prototype rail waste container and chassis will be placed into trial service in Ontario this spring. A waste management approach that considers some of the issues I have referred to will encourage further investment, investigation and innovation just such as this one.

Rail service offers many advantages, and should be seriously considered and not dismissed until the various options have been weighed on their environmental and economic benefits.

Mr Chairman, that concludes our presentation. My colleagues and I are available for questions. We would remind you we would like about 30 seconds to sum up at the end.

The Vice-Chair: Thank you very much. The NDP caucus comes first. Ms Haeck, two minutes each.

Ms Haeck: I appreciate your presentation. I do want to address something that you made mention of on page 4 of your brief, that relates to Seattle. Normally I could not speak with some knowledge about it, but I do have a friend who lives in Seattle and has talked about the city's recycling efforts, which apparently are far beyond anything in most North American cities. In fact, they have about seven different containers at their homes, including one for household hazardous wastes, so the population that lives in that area has, for some years now, been dealing with source separation in a very active manner.

You mention Seattle and you say this is also a relevant example of where rail service has been welcomed as an important part of managing the environment. I was just wondering, what in fact is left for rail to ship, where do they ship it and what kind of quantities are we truly dealing with?

Mr Gilmore: If I could pass this to Mr Brook, who is very familiar with the Seattle system.

Mr Brook: You have a three-part question.

Ms Haeck: Yes.

Mr Brook: The volumes being shipped at this point in time equate to 120 containers, three times per week. The weight per container is roughly 25 tonnes. I am sorry, what was one of the—

Ms Haeck: What are they shipping and where is it going?

Mr Brook: They are shipping municipal waste, the balance that is left over after the recycling programs, and it goes into Arlington, Oregon, which is roughly 300 miles from the origin.

Ms Haeck: After they have gone through this very assiduous, intensive source separation, what really is left for them to ship?

Mr Brook: The volumes or the materials themselves?

Ms Haeck: The materials themselves, because they are looking at paper and plastics and all these other materials that they have already removed from the waste stream. So I guess my question is, what are they shipping?

Mr Brook: Specifically I cannot quantify it, but what is being shipped is the balance that is left after the recycling and the 3Rs programs have been processed.

Mr McClelland: I guess that is my question. At the end of the day, no matter what you have, there is something left over. I think you touch on a couple of interesting things I would like you to comment on. One thing we have heard throughout is that there is a shortage of markets for recyclable materials. I take it you are saying—and I would like you to expand on it if we have time—that your proposal certainly has the potential and very well may make the market for recyclable materials much greater, much more economically feasible for the private sector to invest in.

You also indicate in your brief, and I know from correspondence you sent to the Premier on 16 January, that there are many experiences where a rail component of waste management is not counterproductive to 3R initiatives. We have heard that any shipping, of necessity, is counter to 3Rs. I am not accepting it, but that has been essentially the position of the government. I would be interested in your comment on that. I think you have done a very good job in terms of talking about some of the environmental advantages.

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I would also be interested, if you are prepared to do so, if you would comment on the apparent, and I would say even beyond apparent, obvious contradiction you see with the realization that possibly as much as 1 million tons of waste a year, certainly in excess of 800,000 tons, are being shipped out of Metro into the United States; that the current government has not only allowed but has directed, given the opportunity for, Kingston to ship its waste into the Ottawa area—there are countless examples across the province where waste is in fact being shipped across municipal boundaries. How do you find that compatible in terms of reasonableness and fairness, and what kind of message does that send to the private sector as well when it looks at investing in this community?

Mr Gilmore: Mr McClelland, I think we would like to stay away from those types of arguments, our point today really being that we feel that rail transportation is a viable option that should certainly be considered in the handling of recyclables—and residuals, for that matter. As to whether it is morally right or wrong, I think the question is best addressed that the legislation in its current form has to be—it in fact handcuffs the GTA and other municipalities from developing the very best waste management system if it excludes the transportation, as I say, of either recyclables or residuals out of the metropolitan area.

Mrs Marland: First of all, I would like to commend you on the presentation. I thought that was an excellent video. I think it is interesting that you are scheduled concurrently today. I guess the only question I have to you following the CN presentation is, are you having any formal or informal ongoing meetings with representatives of the current government about your proposal, since it is very easy to understand that your proposal represents a potential for a great deal of employment opportunities for people who work and live in Ontario?

Mr Gilmore: We have done most of our work and most of our research work with the Metropolitan Toronto works department and the film you saw, the refrigeration unit, that was in the National Research Council in Ottawa. We have been doing some work with the people in the community of Kirkland Lake. I cannot comment. I do not think we have been directly involved with any of the provincial governments at this point.

To your earlier point, I guess it hardly seems appropriate at the time with the legislation being as it is. We have been concentrating on our attempts to get the legislation changed and we have been spending money, approximately a little short of half a million dollars so far in our research into the walking floor and into the reinforced container and chassis that I did mention a few moments ago.

The Vice-Chair: Thank you very much. Time has expired. If you have any questions for the record, which will be responded to in writing by the delegation, please put that forward. Mr Martin, I think you were first in line.

Mrs Marland: I have one. I am just giving you notice.

The Vice-Chair: Just the question, please, and keep it as brief as possible.

Mr Martin: Just three quick questions: What is your capacity to move garbage, and considering the emphasis that we are putting on the 3Rs and that you agree with, at what level does it become counterproductive or not cost-effective for you to move garbage?

Mrs Mathysen: I think my question may be somewhat similar. In view of the fact that we are just beginning the 3Rs and that we expect that as people become better at reducing and reusing we will have lesser quantities of garbage, I wonder if there have been studies done to determine the feasibility of this project if garbage or waste is reduced by 50% or 25% or even just 10%.

The Vice-Chair: Is that question being posed to the delegation or to the ministry?

Mrs Mathysen: To the delegation.

The Vice-Chair: Okay, thank you. Mr Wiseman, you had one.

Mr Wiseman: Mine has to do with markets and a suggestion that was made by one of the other presenters two weeks ago. Should the government of Canada and the government of Ontario look at mandating recyclable content in products and packaging sold in Ontario, the way they are in California?

The Vice-Chair: Thank you. Mrs Marland, you had a question for the record.

Mrs Marland: My question is to the ministry. Since Bob Rae's socialist government is interested in protecting jobs and unions even to the extent of driving business and commerce out of this province, I would like to know if any of the ministries, whichever ministries have been talking to CN with regard to a combination proposal with the Ontario Northland Railway, are interested in talking business with CP Rail as well? Would that not be a logical extension of the use of rail? If we have two railways, why would we not use both of them and why would we not maximize the opportunity for employment in Ontario?

The Vice-Chair: Thank you very much. These questions will be relayed to you in writing by the clerk and you will have an opportunity to respond in writing. If we receive it by the 14th it will become part of the record of this committee, otherwise the committee members will use it in their deliberations in clause-by-clause. You have asked for a short summation period, so go ahead.

Mr Gilmore: Thank you. In conclusion, I recommend that those concerned in the quest for public policy solutions on these issues ensure that all options in the development of a waste management plan that will enable commercial enterprises to contribute in full measure are properly evaluated, each according to its ability. I urge the government to include the rail industry in the planning process and to explore opportunities to consider blending transportation of residual waste with commendable waste reduction initiatives. We strongly believe CP Rail can assist in the development of an environmentally and technically advanced system and we quite frankly look forward to doing so.

REGIONAL MUNICIPALITY OF PEEL

The Vice-Chair: I would like to ask the next delegation, the Regional Municipality of Peel, to come forward please. Welcome, Mr Kolb. I wonder if you would mind presenting your delegation for the purposes of Hansard. You have 20 minutes. We would appreciate if you would give us a few minutes of time for questions at the end of your brief. Thank you.

Mr Kolb: I have with me Mike Garrett, our chief administrative officer, and our regional solicitor, Kent Gillespie. I would just like to make a few remarks and then I am going to ask Mike Garrett to make our presentation.

Since 1974, the region of Peel has been responsible for waste disposal. We have been very successful not only in winning optional awards for Britannia, but for our aggressive pursuance of recycling, especially in the industrial and commercial sectors. Friendly competition and cooperation with our neighbouring regions has resulted in innovation

and new processes which otherwise might not have occurred. That is why the current exercise is frustrating for us.

Prior to November 21, 1990, Peel was on the track and could have delivered a long-term site by 1997. Peel also invested \$8 million in studies in design for the interim disposal site in Brampton called site 6B, which would have provided capacity for the closure of Britannia in 1992 until the long-term site had been approved and opened. That was \$8 million of taxpayers' money that had literally gone to waste. What other region has had that kind of penalty imposed on it? Now we have a crisis, make no mistake about it, and we need to move quickly, but the crisis was not Peel's mistake. Peel is put in the position of being ordered to break agreements with the city of Mississauga. That has undermined the confidence and trust of residents and the surrounding land owners, and in the process the integrity of all levels of government. Through all this it is clear that Peel taxpayers will be paying the entire cost.

The province has said it will contribute nothing to the solution of the problem that it has created. Government must learn from its mistakes. These are not the times that we should be wasting money. The taxpayers are intolerant of keeping this kind of government unaccountability. It must be clarified and the disentanglement process must be cleared up quickly. It is within these contexts that we want to make our comments on Bill 143. I would now ask Mr Garrett to make our final submission.

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Mr Garrett: Our comments are broken down into four parts, based on the legislation. If I might, I will just try and go through them very quickly.

Regarding part I on the Interim Waste Authority, the main concern the region of Peel has with this part of the bill is the role of the Interim Waste Authority as it relates to waste management responsibilities of the region of Peel. No clear mandate or objects of the corporation are set out in this part of the legislation. The minister's announcement used the words "search for and select," whereas the bill speaks of "establishing landfill waste disposal sites."

Will the IWA construct the site? Will it operate the site? Will it expropriate all the land required for the site? Will it settle all the claims for compensation or will the region of Peel be left with the difficult and expensive task of dealing with the liabilities created by this authority? Will the region in fact have any options for the financing in a different manner for different aspects of the development of the site? The taxpayers of the region of Peel will end up paying for all the activities of this corporation and will bear the burden of the decisions and the obligations which it creates, yet the IWA is not accountable to any elected body.

We recommend that the role and mandate of the Interim Waste Authority vis-à-vis the region of Peel must be clearly spelled out in the legislation. We also recommend that the IWA must be made financially accountable to the council of the regional municipality of Peel with respect to its activities within the region of Peel.

There are other aspects of part I which have been raised in the course of hearings before this committee. It has been mentioned that the IWA will not have the authority to expropriate until a certificate of approval has been issued under part V of the EPA. In substance this is not much different from the circumstances under which municipalities find themselves at the present time.

Much has been also made of the power of the IWA to carry out inspection, and for that purpose to enter upon lands to take samples. These provisions are positive and can only lead to better and more accurate site information which is necessary in the public interest. The region of Peel has in the past been delayed in obtaining accurate site information because it did not have this authority. The government should consider extending the authority to enter land for testing to all municipalities charged with responsibility for selecting waste disposal sites.

With respect to part II, under this part the waste disposal site to be located in the region of Peel will be designed with its primary function being the disposal of waste generated in the regional municipality of Peel for a period of at least 20 years. The region's own long-term site search contemplated a 40-year life. However, the criteria established by the IWA will involve a site with only a 20-year capacity. In view of the length of time which it takes to obtain site approval and in view of the cost, the wisdom of choosing a 20-year site capacity is questionable. We recommend that the bill should require a design capacity in excess of 20 years, even up to 40 years.

The other provisions of part II are primarily aimed at scoping the environmental assessment process so as to permit the IWA to obtain approval for its long-term site within the required time. The need for this scoping provision emphasizes the immediate need for changes to the environmental assessment process. The government seems to recognize that it would be impossible to proceed through a site selection search without containing the environmental assessment process in some way.

The government has gone so far as to give the minister the authority to create waste diversion estimates and to establish policies applicable to the undertaking which the approving authority must take into consideration. The ministry recognizes that it must have these means of control of the process or it will not be able to achieve these goals. This is a clear indictment of the existing environmental assessment process which we have to live with at the municipalities. We recommend that the government must act immediately to repeal and replace the Environmental Assessment Act to permit municipalities to carry out their waste management responsibilities within a reasonable time and at reasonable cost.

It is also interesting to note that the landfill sites are described as having as their primary function the disposal of waste generated in the regional municipality of Peel and that, for the purposes of establishing waste diversion estimates, the primary service area is Peel. The clear implication is that there is a secondary service area which includes waste generated outside the regional municipality. This increases the region's concerns with respect to the provisions dealt with under part IV whereby the minister can order a

municipality to accept waste from a source outside its boundaries. Will the Peel site be required to provide disposal capacity for waste generated outside Peel in the greater Toronto area? If so, Peel region would like to see a clear definition of the secondary service area and the conditions under which waste from the area might have to be accepted at the Peel site.

We recommend that the bill should clearly provide that the waste disposal site in Peel shall be designed solely for the amount of waste generated within Peel and that the certificate of approval will permit the region of Peel to refuse to accept waste generated outside Peel, subject to emergency orders, which we will deal with later.

Respecting part III of the bill, as indicated above, both legally and financially the region of Peel has no option but to carry out the lift at the Britannia site as ordered under the minister's report. The provisions of this part which override the existing statutory and contractual limitations on the region's use of Britannia are necessary because of the crisis created by the minister's actions.

The greatest concern to the region of Peel under this part has already been dealt with by the statement of the minister to the standing committee. The minister has stated that section 19, on injurious affection, should be deleted because of the concern regarding the precedent it sets. The minister recognized that there are existing protections for land owners. The region of Peel supports the minister in this position.

Because the committee has heard and will hear representations from developers who own land surrounding Britannia, we wish to elaborate on our position. For many years now the Expropriations Act, in its present form, has balanced the public interest with the interests of land owners affected by public works. Where the use and enjoyment of their lands is impaired by the activities of public bodies, land owners have remedies available to them under existing law. However, section 19 of Bill 143 would have completely upset the well-established balance between the interests of taxpayers and those of the development industry surrounding the Britannia site.

It would not have guaranteed any additional rights to compensation to any residents living close to the site, but the taxpayers would have been faced with a disproportionate and unquantified liability to the developers for speculative business loss. To grant such rights to a very small group of people in the development industry without extending the same rights to property owners across the province would be discriminatory. However, to extend those rights across the province would put in jeopardy the feasibility of carrying out public works. The adverse precedent set by this could have far-reaching implications, not only for landfill sites but for other 3Rs facilities and indeed public works of every kind.

The region of Peel is prepared to meet its financial and legal obligations to all members of the public and to deal with them fairly and in good faith under the present law. In order to minimize the impact on development, studies are now under way dealing with staging of site operations and reduction of buffer zones so as to release the maximum quantity of land for development as soon as possible.

We recommend and indicate here that the region of Peel applauds the minister for recognizing that section 19 is inappropriate, not only for Bill 143 but for all public projects of this nature, and must be removed from the legislation.

Respecting part IV, this part of the bill represents an unprecedented and fundamental intrusion of provincial control over the waste management responsibilities of municipal governments, including the region of Peel. The regulation-making power goes far beyond that which is necessary to set standards for the protection of the environment. The regulations permit the provincial government to interfere with and control virtually every aspect of municipal management as it relates to waste. What is more, this heavy-handed intrusion into municipal autonomy does not appear to be in response to any apparent or demonstrated need for the exercise of control.

Section 33 of the bill gives regulatory power to the provincial government over virtually every aspect of municipal waste management, including the power to control financial management and planning. This is contrary to the fundamental principles of disentanglement. Those who pay for waste management facilities will no longer have control over the management of those facilities, which will be governed by the regulation-making process. This type of pervasive provision has the potential for increasing costs to municipal taxpayers as well as interfering with and eliminating the accountability of the elected municipal governments for the manner in which they carry out their waste management responsibilities.

We recommend that the broad regulation-making powers in Bill 143 must be cut back to those required to set design and performance standards for the protection of the environment and not the control of municipal management, planning and financing.

Perhaps what is most important to the municipal sector is not in Bill 143; that is, the clear legislative authority setting out the municipal role and responsibility for 3Rs initiatives. It is well recognized that all waste management issues are interdependent; 3Rs initiatives will not become practically or financially viable unless the municipal roles are clarified and appropriate authority is set out in legislation.

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We recommend that the government should amend Bill 143 to include legislation dealing with the municipal waste management roles, including the integration of waste management responsibilities and the necessary authority to effectively carry out 3Rs responsibilities.

The region of Peel is also concerned about section 26, which substantially amends section 29 of the EPA. Under this section the minister ordered the lift at Britannia. Although the minister has indicated that this power will no longer be delegated to the director, Peel is concerned with the government's intention in the use of this section. Traditionally, it has been used as an emergency power. However, there is no precondition which would indicate when this power would be exercised other than that it is considered advisable in the public interest. There is no appeal from the decision of the minister.

We recommend that it must be made clear that the section 29 power to make orders against municipalities can only be exercised where the minister declares an emergency and provides written reasons supporting that declaration.

Also, in the minister's statement to this committee she indicated that the authority to order municipalities to assess waste management needs and prepare plans would be removed. Peel region is in agreement with this inasmuch as it is not consistent with the use of an emergency power.

Similarly, we also agree with the minister that the uncertainty to municipal planning introduced by the authority to order the acceptance of waste from outside municipal boundaries must be limited. The minister has suggested a five-year maximum. We question whether this is appropriate to an emergency order. This leaves municipalities with an uncertainty as to capacity of plus or minus five years, which, considering the 20-year life of the proposed new site for Peel, is significant.

We recommend that ministerial orders requiring municipalities to accept waste from outside their boundaries must be coupled with a requirement that equivalent replacement capacity be made available to the host municipality at reasonable cost within a reasonable time.

We note also that the minister has been given authority to discontinue a waste management system. This presumably includes circumstances where the municipality has been operating the system or site in compliance with its certificate of approval. Peel region has effectively experienced such an order, which has resulted in a loss of over \$8 million in planning and other studies.

We recommend that the provincial government must be required to compensate municipalities for their losses where ministerial orders to close or discontinue undertakings, systems or sites are made and the municipality has been proceeding in a lawful manner or has been operating its waste management systems or sites generally in conformity with its approvals.

Finally, there is no formal mechanism for consultation with municipalities in the exercise of any of the authorities under these amendments.

We recommend that, in light of the potentially significant intrusion on municipal waste management responsibilities by order or regulation under part IV, Bill 143 should be amended to ensure that municipal appeals, where an order is involved, and municipal consultation, where a regulation is involved, are authorized.

These briefly are the submissions of the region of Peel. We have, through all of this, notwithstanding the difficulty it has meant for the region, appreciated the close and cooperative working relationship that has been maintained between our staff and the staff of the Ministry of the Environment on this whole very sensitive matter in the region.

The Vice-Chair: As usual, the region of Peel has its briefs well researched, well documented, well-thought-out, well analysed and direct, regardless of the party in power.

We have almost run out of time, so each caucus has only a minute to put questions on the record and make any short statements.

Mr McClelland: You mentioned, Mr Garrett, that the implications in terms of cost could be significant. They already indeed have been significant in terms of the direction that has been forthcoming from the minister. What kind of consultation, if any, did you participate in prior to the drafting and tabling of Bill 143? Further to that, the implications as they continue in the costs down the road, what do you see would be the potential impact on the tax base in Peel if Bill 143 goes forward in its present form?

Mrs Marland: I would like to commend the region of Peel for its presentation this afternoon. I do not think anybody reading this would be at a loss to understand the frustration of the region of Peel and particularly the tremendous cost to the taxpayers in Peel, which is in excess of \$8 million. We do not have a new garbage dump, to use the colloquialism, and we do not even know where we are going. I think the scary part about this, the whole void that we are sitting in at the moment, is that we are going to get an additional lift to Britannia after some tests are done. We do not know what happens if the tests are negative, we do not even know if it is only going to be one lift—

Mr Wiseman: This is a little long for a question.

Mrs Marland: On and on the concern goes. Frankly, the way the region of Peel has been treated both by the Liberal government and by Bob Rae's socialist government on this whole issue of landfill capacity—

The Vice-Chair: Question, please.

Mrs Marland: —has been totally unsatisfactory for the taxpayers of Peel. My question is not to the region of Peel, because I do not think there is anything left to ask after you read this brief.

The Vice-Chair: Question, please.

Mrs Marland: My question is simply to the parliamentary assistant, who sits here today on behalf of the minister. Are you going to agree to the six-point proposal that has come from the citizens' coalition, where you will at least guarantee only one lift at Peel's Britannia site?

Mrs Mathysen: I was quite interested in the fact that you support the site access powers so that the best site can be found. Despite the fact that the members opposite do not agree, and have used some rather colourful adjectives to suggest that securing the best landfill site is somehow not in the public interest, I was wondering if you could expand on why these powers are necessary.

Mrs Marland: On a point of privilege, Mr Chairman, or on a point of order.

The Vice-Chair: Point of order, Mrs Marland.

Mrs Marland: I would ask Mrs Mathysen to withdraw her comment. That was not what I said and I do not appreciate the inference from what I said.

The Vice-Chair: That is not a point of order; that is a personal opinion.

Mrs Mathysen: Mr Chairman, Mrs Marland has not been in the committee and does not understand what has happened.

The Vice-Chair: I require that you stick to the question. Please cut short the preamble so that the region of Peel can answer your question.

Mrs Marland: Excuse me, Mr Chairman. I understand perfectly well when a member of this committee suggests that something I have said has another inference other than what I did actually say. I take exception to it.

The Vice-Chair: I will check the record and we will give you a decision on that later.

Mrs Marland: Thank you.

The Vice-Chair: Thank you. Ms Mathysen, will you pose your question, please, and the question only.

Mrs Mathysen: Yes. Can you expand on why these powers are necessary?

Ms Haeck: I have a question.

The Vice-Chair: For the record?

Ms Haeck: Yes.

The Vice-Chair: Go ahead, Ms Haeck.

Ms Haeck: On page 13 of your brief—I do agree with other members of this committee that it is an extremely good report—in your recommendation 5.6 you make a proposal for compensation and you use the phrase “in a lawful manner.” If it is found that, while it may be lawful, it may in fact be environmentally hazardous to the surrounding area, what kind of compensation would you deem to be appropriate under those circumstances?

The Vice-Chair: Mr Martin, question only.

Mr Martin: You talk about the costs of the waste management studies. Is the IWA not using the studies, and how much will Peel generate in tipping fees with the lift at Britannia?

The Vice-Chair: Mr Garrett, you will receive these questions from the clerk in writing. We would appreciate a response in writing, if possible by February 14 in order for it to become part of the public record. Otherwise, if we receive it after February 14, the committee will take your answers into consideration for clause-by-clause.

Mr Cousens: On a point of order, Mr Chair: Have we any answers to any of the questions we have been posing? We have been asking hundreds of questions. Is there anything forthcoming, especially from the ministry staff?

The Vice-Chair: We have some answers to be tabled at the end of today's session.

Mr Cousens: Wonderful.

Mr Wiseman: Nice of you to join us, Don.

Mr Cousens: You just keep your mouth to yourself.

The Vice-Chair: Excuse me, Mr Cousens. Mr Kolb, you have a minute to summarize.

Mr Cousens: Attendance in this place is not kept by the New Democrats.

The Vice-Chair: Mr Cousens, order please.

Mr Kolb: Mr Chairman, we would be very happy to respond to those questions in writing. I just want to thank you again for the opportunity to come before you.

The Vice-Chair: Thank you once more. As I said before, any time the region of Peel appears before any com-

mittee in this Legislature its briefs are well worth reading, whether you are the government or not, because I know; I have been on both ends.

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KING RORES

The Vice-Chair: I would ask the next group to come forward please, King RORES, I guess it is. Would you please identify yourselves for the purposes of Hansard. You have 20 minutes to make your presentation and we would appreciate some time towards the end for questioning by members of the committee.

Mr Armstrong: My name is Simon Armstrong. I am a lawyer in the city of Toronto. Until recently I was at Blake, Cassels and Graydon and appeared before you representing a number of government employees and government agencies. With me is Joanne Wolfson, who is the chair of our group, which is King RORES, Respect Our Rural Environments. Joanne is a former Metro resident who now lives in York, operates her own business and has attended all the open houses and public workshops organized by the IWA in York.

We have distributed copies of our brief to you. Before I go into it, I would like to say that in the audience are a number of people from our group, and our group indeed consists of over 50 families in King township. It is a voluntary, non-profit group of concerned citizens. We are concerned about our rural environment, as our name suggests. We are working actively for the preservation of our rural environment, the protection of, and environmentally sound land uses on, the Oak Ridges moraine and fair, equitable and responsible waste management.

To start off with, I would like to say that while King RORES fully supports the principles behind the minister's 3Rs program and the concept of a conservator society in Ontario, we are opposed to the solution for the disposal of residual wastes proposed in Bill 143 and other ministerial initiatives.

When she was in the opposition, the minister was a strong, vocal environmentalist. However, since she became the Minister of the Environment and minister responsible for the greater Toronto area, she has done a complete about-face. Our confidence in this minister and her government to handle Ontario's waste disposal problem in a fair and environmentally responsible manner has been completely undermined. In short, we feel betrayed. I would have hoped that the minister might have been here for me to say this directly to her, but I trust that she will receive our message through her parliamentary assistant and through her staff.

Since the minister announced the conservator action plan on November 21, 1990—which, I might add, included the promise that “all new landfill sites will be subject to the Environmental Assessment Act”—everything, in our view, has been downhill. On April 2, 1991, the minister announced that all communities must accept responsibility for the waste they generate and that the search for the long-term waste disposal sites for the GTA will not be outside the GTA. Then on April 11 she announced a ban on incineration as being inconsistent with the 3Rs, not facilitating waste reduction and having environmental problems. Finally, on October

24, 1991, she introduced this bill, a piece of emergency-type legislation which is arbitrary and inequitable in both substance and procedure.

King RORES opposes Bill 43 because it restricts unduly the geographical landfill site search area; requires a single landfill disposal site, to be located in either York and/or Metropolitan Toronto, to handle the disposal of waste generated over at least 20 years; it eviscerates the environmental assessment process by excluding consideration of alternatives involving incineration, transportation of waste or the use of more than one site in the Metropolitan Toronto/York region area; and finally, it creates the Interim Waste Authority Ltd, apparently as a permanent crown corporation, without providing for proper accountability, while providing sweeping powers to enter, inspect and expropriate land.

My first point, then, the restriction of the landfill site search: The restriction of the landfill search site area to the greater Toronto area is arbitrary and misguided as well as being an impediment to finding the optimal solution to the GTA's waste disposal problem. In our view, it is not necessary for the long-term landfill sites for the GTA to be within the GTA to give effect to the principle that all communities must accept responsibility for the waste they generate. The GTA is, after all, the most populous area of Ontario and therefore generates the most waste. However, it is also the largest manufacturing area, service provider and tax base. In other words, the province as a whole benefits from the activities of the GTA, and accordingly it is logical as well as fair for the whole province to assist with the GTA's waste disposal problem.

The search for a waste disposal site should therefore not be restricted to the GTA but should extend to the whole province, thus ensuring that the optimal solution is found. As well, this approach would enable the government to make use of waste management studies that have already been generated at taxpayers' expense.

My second point, the Metro/York issue: The minister's decision to lump Metro and York together in the landfill site search process and to require a single landfill site for the waste of Metropolitan Toronto and York region to be located in York or Metro, or partially in both, is arbitrary, discriminatory and inequitable. To us, this decision means in effect that York region will become the home of Toronto's waste for at least 20 years because land in Metro of the size that is contemplated is limited and more expensive.

We have a number of questions. Why was York region singled out to be the sole recipient of Toronto's garbage? This decision has never been justified, we doubt it can be and it is contrary to the minister's stated policies of ensuring local responsibility for waste disposal and promoting waste reduction. To be consistent, the minister should at the very least require Peel and Durham, and not just York, to assist with the disposal of Metro's garbage.

We also ask, how will disposing of Metro's garbage in York region promote waste reduction for Metro residents and industry? In our view, it will not. Trucking Metro's garbage to York region will continue to allow it to be out of sight and out of mind for Metro residents.

My third point, the lack of alternatives: In addition to restricting the geographical area for locating a landfill waste disposal site for York and Metro, Bill 143 eviscerates the environmental assessment process by excluding consideration of alternatives such as incineration, transportation of waste and multiple sites. We ask, why are residents of the GTA not entitled to the same environmental assessment process as other residents? What justification is there for not applying the full provisions of the Environmental Assessment Act? How can such a truncated process ensure that the optimal solution to the GTA's waste disposal problem is found?

We have concluded that the restriction of the environmental assessment process, combined with the geographical and single-site requirement of Bill 143, is an unfair and unjustified approach that cannot result in finding the optimal solution to the GTA's waste disposal problem. We object to this approach in the strongest possible terms.

If a full environmental assessment is not required in the location of landfill waste disposal sites for the most populous area of the province, is such a process only required in smaller projects? To eviscerate the environmental assessment process for landfill sites to accommodate the waste of 44% of the residents of Ontario makes a mockery of the Environmental Assessment Act. Bill 143 arbitrarily and unjustifiably denies to almost half Ontario's population the right to a full environmental assessment that is available to residents in other parts of the province. The Minister of the Environment promised on November 21, 1990, that all new landfill sites would be subject to the Environmental Assessment Act, not, I might say, to a short-circuited, abridged environmental assessment process. The government has reneged on its promise and has denied the right to a full environmental assessment to almost half its citizens. This decision has never been satisfactorily explained, nor, in our view, can it be justified.

1700

The minister rejects incineration and transportation as being inconsistent with the promotion of waste reduction, yet seems to ignore the fact that each is aimed at the disposal of residue waste, that is, after waste reduction efforts have taken place. Incineration, transportation and multiple sites may be viable elements of a multifaceted strategy to deal with the GTA's waste disposal problem, which should be determined through a full environmental assessment process, rather than being precluded by statute.

Another point is the fact that the bill requires the IWA to use ministerial waste estimates to determine the required capacity of landfill sites. It is well known that such estimates are uncertain, and it is our view that an independent, impartial board should determine the quantity of the waste and the need for the size of the landfill site.

In short, King RORES urges the committee and the minister to reformulate Bill 143 to allow the consideration of all alternatives and a full environmental assessment process. We have every confidence that in the time that is available before the landfill sites become full—and I might just say and remind you that the minister extended their lives about a year ago, certainly the Keele Valley site—a full environmental assessment process could take place if

necessary, as directed by the minister if time became a problem. But to start out by eliminating things, while earlier having promised that there would be a full hearing, is completely wrong, in our view.

My third point is the Interim Waste Authority. The bill continues the Interim Waste Authority as a crown corporation and gives it far-reaching powers. Apparently it is a permanent crown corporation—there is no sunset clause—and therefore we conclude that the term “interim” is inaccurate and deceptive.

Its mandate is not defined in the bill. I have noted in the brief that section 3 refers to the corporation establishing landfill sites, while in section 6 the corporation inspectors can enter and inspect land for the purposes of obtaining information to meet the requirements of or obtain an approval required by statute “relating to the planning, establishment, operation or management of a landfill site.” My suggestion is that the latter section implies that the IWA is not an interim body but one that is going to be here to stay and is going to be managing landfill sites as well as finding them.

I might say that the corporate search I have done on the Interim Waste Authority that was filed with the Ministry of Consumer and Commercial Relations does not enlighten us as to its mandate either, since it simply says that its mandate is to “search for, select and establish waste disposal sites within the greater Toronto area.”

What is clear to us is that the minister seeks to create a crown corporation at arm's length from her and from the public. I might say that for a group our size we have been extraordinarily vigilant, and our efforts have been frustrated because when we write or approach the IWA it says that it has been instructed by the government to find a landfill site for York and Metro and that it cannot answer questions relating to these instructions, or to the alternatives it is precluded from considering. On the other hand, the minister simply reiterates her previous statements without amplification or justification and refers our questions to the IWA, even the ones it has already said it cannot answer. We feel as though we are part of a ping-pong game.

We have the following questions: Is it the minister's intention to disband the IWA once these sites are found or are ready for operation? At what point in the process will IWA's involvement cease to exist? Who will then be accountable for their actions? Who will be responsible for the physical construction and implementation of landfill sites? Who will own and operate the sites? Who will be responsible for the subsequent operation of the landfills? Who will monitor them? Who will ensure the landfills are kept up to current standards as technology improves or problems arise? Finally, what radius of a landfill site and along which trucking routes will residents be compensated for injurious affection?

We urge that these issues be addressed before consideration of this bill is completed. As well, we request clarification of the nature and extent of the ministerial policies authorized by Bill 143. Section 15 of the bill authorizes the minister to establish policies concerning waste disposal sites and requires the IWA to “have regard” for such policies in preparing an environmental assessment for a waste

disposal site. What are these policies? What safeguards are there to ensure such policies do not conflict with other parts of the bill and the Environmental Assessment Act? What does the IWA's duty to “have regard” to such policies mean?

My fourth point is the powers of the IWA to enter and inspect land: Bill 143 gives the corporation sweeping powers of inspection and entry while leaving the rights of residential land owners inadequately protected.

We object to the power of the inspector in subsection 7(1) to enter and inspect any land except any room actually used as a dwelling; this exception is too limited. In our view this committee should require the minister to table a detailed legal opinion as to whether these provisions relating to warrantless inspection, as well as those relating to inspection with a warrant, infringe on section 8 of the Charter of Rights and Freedoms which guarantees everyone the right to be secure against unreasonable search or seizure.

In this area we have six specific points; I would like to list them for you. We do not think the power to make warrantless searches and inspections should be limited to buildings occupied as a dwelling. We think they should be expanded to garages, farm buildings, barns, kennels, as well as to personal property on the land.

We also urge that section 8 of the bill be amended to specify that the land owner or occupant has a right to be present when the inspection is taking place.

We also object to the removal of samples from the land without payment of a fee, and to the omission of a requirement that the IWA provide the land owner or occupant with a written report on the results of tests conducted on such samples.

We believe the period for deemed service by mail in section 8(3) is too short and request it be extended from five to 15 days to allow families who are away to stand a better chance of receiving the notice before an inspection takes place.

Finally, we see no justification for permitting inspections of residential property at night and request that subsections 8(5) and 10(1) be amended to require that without exception inspections take place during daylight hours only.

In conclusion, we have the following concerns, some of which I am sure you have heard before: the mandate, accountability and powers of the IWA; the geographical restriction of the landfill site search area; the twinning of York and Metro for landfill site purposes; the lack of a full environmental assessment; the exclusion of consideration of alternatives such as incineration, transportation outside the GTA and multiple sites.

We recommend that the mandate and powers of the IWA be reformulated and clarified to provide accountability and protect the rights of individual citizens and their property. We recommend that the landfill site search area be expanded to include the entire province of Ontario. We recommend that York region not be targeted as the sole recipient of Metro's garbage and, at a minimum, the other regions of the GTA assist with Metro's waste disposal. We recommend that the residents of the GTA be extended the same right to a full environmental assessment hearing as

other residents of the province, and we ask that all alternatives be considered by that assessment body to find the best possible solution which is environmentally acceptable rather than politically expedient. Thank you very much.

1710

The Vice-Chair: Thank you very much. Your time has expired so, members of the committee, if you have any questions, they are for the record only. No preambles please; questions only.

Ms Haeck: I actually have three and they are linked together. Does your group liaise with other rural environmental groups such as may be located in the town of Lincoln or the township of West Lincoln, which are primarily rural? Is your group aware of the concerns of the citizens of the region of Niagara regarding the handling, treatment and storage of the toxic waste produced by the entire province? Are you aware that other rural environmental groups that have made presentations to this committee appreciate the fact that the current environmental assessment process as outlined in this bill has been scoped?

Mr Armstrong: Has been what?

Ms Haeck: Scoped. Limitations—

Mr Armstrong: Oh, limited.

The Vice-Chair: You will receive these questions in writing from the clerk.

Mr Armstrong: Thank you. I am writing them down as best I can.

Mr McClelland: For the record, it would be interesting to know if the parliamentary assistant is going to answer, on behalf of the government, any of the questions that were put forward. It seems to me we have a very idiosyncratic view of whether it is appropriate to answer or not. I want to know when those questions are going to be answered, specifically the ones on page 6. People here have tried to get answers from either the Interim Waste Authority—

The Vice-Chair: Questions only, please.

Mr McClelland: The questions are those contained on page 6, and putting them directly to the parliamentary assistant—

Mr Wiseman: I think he is going on a little long, Mr Chair.

The Vice-Chair: Questions.

Mr McClelland: —for a response to this committee and to the—

The Vice-Chair: Thank you. Mr Cousens?

Mr Cousens: Just a fantastic presentation; thank you.

Mrs Mathysen: I note that you disagree with the elimination of alternatives such as incineration and transport of garbage. We have heard some very consistent—

Mrs Marland: We are changing the rules now, are we?

The Vice-Chair: Just questions, I said. Go ahead.

Mrs Mathysen: We have heard evidence that incineration discharges dioxins and furans, and that contaminates the land. I wonder how you can reconcile your position with

the evidence we have heard from environmental groups and incineration experts.

The Vice-Chair: As I said before, these questions will be referred to you in writing by the clerk. You will have the chance to respond in writing. If we receive them by February 14, which does not give you very much time, they will become part of the record of this committee. Otherwise the committee members will take your responses into consideration on deliberation in clause-by-clause. Thank you very much.

DURHAM SITE 59 COMMITTEE

The Vice-Chair: Our next and final group for the day is the Durham Site 59 Committee. Will you come forward please. You will identify yourselves for the purposes of Hansard. You have 20 minutes for your presentation, and we would appreciate if you would leave some time towards the end for questioning by members of the committee.

Mr Mowbray: My name is Milton Mowbray. I represent the Durham Site 59 Committee, which is a committee of residents of the northeast part of the town of Pickering and the northwest part of the town of Whitby. It gets its name from a possible landfill site which was designated as site 59 when the region was looking for a site. The committee tried to think of some catchy acronym for its name, but did not come up with anything, so it is still calling itself simply the site 59 committee.

This bill, in its reference to the Interim Waste Authority, rather puts me in mind of the temporary Income Tax Act of 1917, which was just to look after expenses of the war and then we could forget about it.

We have a number of concerns. We have a concern that this may not change very much and that we may still be going on with landfill as the primary method of waste management for an indefinite period of time. We feel pretty strongly that landfill on a mass basis is very obsolete technology. It uses up valuable land. It is attractive because it has a short-term low cost compared to lots of alternatives. But the long-term costs can be very great in terms of ultimate contamination of the environment, because these things are supposed to be nicely sealed but the seals keep breaking down.

We are also concerned with the geographic restriction. I recognize it is politically—and I am not using “politically” in a derogatory sense—desirable to place the onus for waste disposal on the area which is generating the waste, because if you can just shove your problem away and forget about it there may not be sufficient incentive to reduce the amount of waste that has to be disposed of.

Also, some people have put it on a moral basis, saying we have no right to export our garbage out of our municipality—although I have noticed that the residents of Ajax, when they are talking about a landfill site for the region of Durham, do not see anything immoral about shipping their garbage from Ajax to Pickering or from Ajax to Scugog or what have you. Surely we should be looking at the best feasible way to handle our waste. It is too much to assume that every region necessarily has the best possible site for disposing of whatever waste it produces that has to go in a landfill.

I do not see why there has to be this restriction. If there is a better way, from an environmental standpoint, that involves moving waste someplace else, I do not see why we need to be restricting it to a particular regional municipality.

I would caution you that I am not trying to say everything that is in here. I assume that at some point you will have time to read what is here.

1720

Further shipment out of the region as part of a recycling process is ruled out. Again, I do not see why that should be the case. There are some technologies involving site separation of recyclable materials, for example, that involve large plants and are not necessarily feasible for one region. Or it might make a lot more sense, if you are getting into that sort of thing, to have one plant for the whole greater Toronto area. These are things that should be looked at, but these alternatives are being ruled out by the bill as it stands now.

There are different ways in which you can reduce what ultimately is left to be disposed of. The blue box program supposedly keeps it from getting into the garbage stream, but the problem there is that you are depending on good citizenship and there is a limit to how far one can be pushed. There may be advantages in a centralized sorting of stuff because then you are not depending on people's good nature and sense of duty to make the thing work. Furthermore, the economics may even be better. I do not know, but surely these things should be looked at.

This streamlined process that is provided for here is, I think, rather worrisome. There are some quite draconian provisions, in particular in section 18, where you have a very short time limit from the publication of a notice, 21 days, to make representations. You do not put together a very satisfactory set of representations in response to a public notice in 21 days. Lots of times it requires a good deal more research than you can give it in that period of time.

Furthermore, subsection 18(7) provides that the director shall consider any submissions made, but is not required to hold a hearing or to give any further notice in respect of any decision he or she makes. Now, hearings are very valuable, because in the interplay between the people making presentations to hearings and the people who are presiding at the hearings, there is a better chance to make sure that everybody understands what is going on. Further, they are important from a standpoint of public perception, because if all you do is send in a written submission to some official and then eventually there is a decision and there are no reasons given, you cannot tell to what extent your submissions were really considered or not. You just do not get the same satisfaction of due process and due consideration that you get when these things are being done publicly.

Finally, it is disappointing that the emphasis here is so much on landfill.

One other thing, this business of streamlining the process. This might be okay if we are dealing with a short-term handling of an emergency situation, but when you are looking 20 years down the road, I rather wonder why it is necessary to short-circuit things to that extent.

The most disappointing thing about this bill is that I do not think it is addressing what really needs to be addressed. There are things that can be done to reduce the amount of garbage that are not being done presently. For one thing, reusable containers are so obvious, but if we are going to have a system of reusable containers, it has to be mandated by government. A municipal government is not in a position to do that. Ontario is a big enough market. Ontario could mandate some of these things, and it will work.

If we are getting into that kind of thing, we need to standardize containers like the stubby beer bottle which is the same for everybody. What you ought to have is a 12-ounce bottle, or whatever; it is the same bottle, whether it is beer or pop or ketchup. This kind of thing would make sense. The problem with just recycling glass as opposed to reusing containers is that you are burning up an awful lot of energy there because a large part of the cost of producing glass is energy and you are using a large part of that energy all over again every time you smash them up and melt them down and make some more glass.

Another thing that could easily be done is a deposit system used not just to get back things we want to reuse, but the deposit can be a good tool to ensure control over disposal of hazardous or troublesome things so that they come back to where you want them instead of getting dropped by the roadside. Furthermore, if it is a big enough deposit, if they are dropped by the roadside, somebody will pick them up, as they do now with bottles that have deposits on them.

I will not take any more of your time. Thank you.

Ms Haeck: I would like to ask, Mr Mowbray, if you could give me some idea of the size of your membership. The previous group gave us some idea of the size of theirs and I wonder if you could enlighten me on yours.

Mr Mowbray: Yes. About 200 households.

Ms Haeck: They are all basically in that same location?

Mr Mowbray: Yes. The membership would extend from that particular location, which is right on the Whitby-Pickering town line. It would extend about four miles each way. Most of the membership would be within about a four-mile radius.

Ms Haeck: This site 59, there was to be a garbage dump sited in that location?

Mr Mowbray: It was one of a number of sites that were being looked at by the region. They had narrowed it down to I think about five possible sites.

Ms Haeck: Your group was in favour of a site being there?

Mr Mowbray: No. Who is, ever?

Mr McClelland: That is a good question, who is in favour of a site. I think that is the nub of your submission. I suppose that is the nub of much of the issue in terms of waste management: Who is in favour of a particular site? What you are saying, sir, as I understand it, is that you want the current government to be consistent with its stated principle prior to the election, which was to look for the best possible solution, or combination of solutions, and apply some standard principles, and without using legal

nicities, without streamlining the process by giving people due process and consideration, and that due process not be seen as an impediment but rather as a contributing factor to the solution.

Mr Mowbray: Yes.

Mr McClelland: You passed over it very briefly, and I would appreciate your further comment, on how the people of the site 59 committee feel about the prospect of perhaps being shut out down the road from participation in environmental hearings and arriving at, as you suggest, if not the optimum solution, at least close to the best solution for the long-term viability of the environment of this province, and indeed of the world we live in.

Mr Mowbray: The prospect of not being able to participate in hearings on such an issue is definitely disturbing, because even if things do not go the way you want, if you have been through a process where you feel you have had a fair hearing and due consideration has been given to what you have had to say, you feel a lot better about it.

1730

Mr McClelland: I take it you would rather have the current members from Durham standing up for the people and defending the right of the people than defending a piece of legislation such as this.

Mr Mowbray: Right.

Mr Cousens: I would like to commend you for an excellent presentation. The concerns that you are touching on have indeed been addressed in part before, but it is very good to get perspective from a group such as yours coming in without an axe to grind and saying there is something wrong with the legislation and there has to be some kind of addressing that.

One of the issues that worries the people in York region—and I am a neighbour of Durham; I am the member for Markham—has to do with what will happen with Whitevale and some of the potential sites in Durham that are possibly going to be considered. Now, the ministry has not released the sites it is going to use for landfill sites and it makes it very difficult for a group such as yours to react because you do not have all the information. You have done a good job of coming in and saying, "Philosophically, here is where we come from." Do you have any sense of the reaction of your community on how they are going to feel once this process is implemented based on choosing sites that have been earmarked before? What reaction will your community have to it?

Mr Mowbray: You can be sure they will not feel very happy. Who is?

Mr Cousens: Have you any idea how many sites will be selected in Durham?

Mr Mowbray: No.

Mr Cousens: By virtue of having it within the definition of the greater Toronto area, there is a great deal of concern as to where that is going to be. Has your committee had any contact previously with members of the Legislature or the government? For instance, this has been going on for a while as we have tried to deal with the crisis in the greater Toronto area. How long have you been in existence

and what other efforts have you made as a group to make change happen?

Mr Mowbray: This group was formed when the region of Durham was conducting a search for sites. At that point our dealings were with the regional municipality. Then that search ended with the change in government.

Mr Cousens: So you have not made other presentations?

The Vice-Chair: Your time has expired. Mr Wiseman, do you have a question for the record?

Mr Wiseman: It is nice to see you, Mr Mowbray. The first question I have is, are you aware that the Durham region official plan, when put in conjunction with the Interim Waste Authority site-selection criteria document, has opened up a great deal more area for the site search? Because of the criteria, you are using land not designated for agricultural use. The second question: On page 4 you refer to sections 17 and 18 applying to long-term sites, which they do not apply to. Sections 17 and 18 apply only to Britannia and Keele Valley. You seem to agree with the government's emphasis on waste reduction which is embodied in part IV. Do you support extending the blue box program and waste-composting programs to all the citizens of Ontario?

The Vice-Chair: Thank you very much. You will get this last question in writing from the clerk.

Mrs Marland: A question on process, Mr Chairman. We now have received these well-organized packages which are, I assume, the responses to the questions, but I have just skimmed through them and it seems to me, in my limited experience on this committee, that we have just maybe a third of the answers from the number of questions that were asked. Do we anticipate the balance of the answers fairly soon?

The Vice-Chair: I will pose that question to the parliamentary assistant.

Mr Cousens: Just a supplementary to that, Mr Chairman—

The Vice-Chair: Excuse me. This has nothing to do with the delegate here, so I would like to let him excuse himself. Once we close this for the purposes of Hansard, then we can get this off the record, because it is not really—

Mrs Marland: No, I would like it on the record.

The Vice-Chair: You want it on the record?

Mr McClelland: Absolutely.

The Vice-Chair: Okay, Sir, thank you very much for your presentation. These final two questions will be referred to you by the clerk in writing. We would appreciate a response in writing, if possible by the 14th, but I realize it is short notice.

Okay, now we can go to this question. I understand some answers have been—

Mr Cousens: Mr Chairman, just a supplementary to Mrs Marland's excellent question. I just would like to know, as they answer it, if there is a time frame when each of the questions is going to be answered and what questions they plan to answer, because what we have now is

really an incomplete statement. The concern we have is that we have no idea when the rest of the answers will be forthcoming.

The Vice-Chair: Perhaps the parliamentary assistant can at least state up to which date. How did you respond to the questions, as to date posed or as per subject matter?

Mr O'Connor: They have been answered a number of different ways, and of the material that was more readily available, of course, those answers were put forward today. I know there are a number of questions that are still outstanding, and the ministry has reassured me that it is going to make sure it tries to get those answers to the committee as quickly as possible. The answers are on the way, and I suppose we may be—

[Interruption]

Mr O'Connor: It is difficult to try to compete with somebody testing the new sound system out here. Apparently it is being tested or something.

The answers will be coming as quickly as the ministry can provide them, because we know how important those answers are going to be to the committee in dealing with the clause-by-clause and the bills. So we will get those as quickly as possible.

Mr McClelland: Is "as quickly as possible" this week? Next week? Can you give us some undertaking or some guideline?

Mr O'Connor: Well, I cannot tell you that you are going to receive all the answers this week.

Mr McClelland: What can you tell us?

Mr O'Connor: We are going to undertake that you get the answers as quickly as possible so that there is an informed answer, as I am sure the committee members from all sides of this committee room would like to have an informed and intelligent answer. So we will undertake that they be provided as soon as possible.

Mrs Marland: Mr Chairman, this committee did not sit last week and what I expected would happen was that the questions that had been tabled in the two weeks prior to that when the committee sat—that last week, in that entire week there would have been a catch-up and those answers would have been forthcoming. Now today we have more questions on the record. The committee is going to sit this week and next week, and then we are into clause-by-clause.

Mr Wiseman: No. We have a week off, Margaret.

Mr O'Connor: Fortunately, there is a rest period in there when some more of those answers can be provided as well. We will try to keep the information coming as

quickly as possible, and I appreciate your concerns. We all want to make sure that when we get to clause-by-clause we are all as well informed as possible, so I appreciate that. I am sure that as we travel next week to other parts of the province around the bill, other questions will be raised and constituents from other parts of Ontario will raise things to which again we will need answers. We will not restrict those answers in coming, and we will want to make sure they come before clause-by-clause as well.

Mrs Marland: Yes, but my concern is that if you could not do the two weeks of questions last week when the committee was not sitting, how are you ever going to have all the catch-up done in order to facilitate the clause-by-clause being meaningful? I think so much of the information that was legitimately asked is very pivotal to dealing with the clause-by-clause and the implications of this very unique piece of legislation. I think I am being rather generous when I say "unique."

Mr O'Connor: There will be two weeks.

Mrs Marland: I think we cannot come in on the Monday morning and start the clause-by-clause and have this big bundle of answers given to us. We have to have the answers ahead of time, I respectfully suggest, Mr Chairman, in order that we can consider the answers before we come in that week and start into the clause-by-clause deliberation.

The Vice-Chair: Perhaps the parliamentary assistant can assure the committee tomorrow some time if he can come up with some firmer date for us to be able to know when we can expect at least a few more answers.

Mr McClelland: Just by way of example, on Monday, January 27, I asked the parliamentary assistant to table the number of his new staff members and of his colleague, the other parliamentary assistant, under the umbrella, if you will, of Mrs Grier—how many new staff members in his office, of his colleague the parliamentary assistant and of the minister. That does not, I believe, require, as the parliamentary assistant suggested, a great deal of research. Maybe some of those new people that I suspect are there could have turned their minds to answering some of the questions. That is the kind of thing we want to know, what is going on. There is an awful lot of money and energy being spent on doing other things and we do not see the results. That is what we want to find out, Mr Chairman.

The Vice-Chair: Thank you very much. I think we have covered the topic as well as we can. I would expect that maybe by tomorrow you can give us a hint, at least, of when we can get the next batch of answers.

The committee adjourned at 1743.

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Tuesday 11 February 1992

Standing committee on social development

Waste Management Act, 1991

Assemblée législative de l'Ontario

Première intersession, 35^e législature

Journal des débats (Hansard)

Le mardi 11 février 1992

Comité permanent des affaires sociales

Loi de 1991 sur la gestion
des déchets



Chair: Elinor Caplan
Clerk: Lynn Mellor

Présidente : Elinor Caplan
Greffière : Lynn Mellor

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday 11 February 1992

The committee met at 1003 in room 151.

WASTE MANAGEMENT ACT, 1991

LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

CANADIAN MANUFACTURERS' ASSOCIATION, ONTARIO DIVISION

The Chair: The standing committee on social development is now in session. These are public hearings on Bill 143, the Waste Management Act, 1991. Our first presentation this morning is by the Canadian Manufacturers' Association, Ontario Division. Please come forward to the table. Begin your presentation by introducing yourselves for members of the committee. You have 20 minutes and we would ask if you would leave a few minutes at the end for questions from committee members. The normal procedure we have been using is that if there is not time for as many questions as everyone would like, then we will put them on the record and you can respond to the committee in writing at a later date. Welcome and please begin your presentation now.

Mr Irwin: Good morning, ladies and gentlemen. My name is Peter Irwin. I am the president of Canada Metal Co Ltd and deputy chairman of the Canadian Manufacturers' Association's environmental quality committee. The environmental quality committee works with manufacturers and government towards the betterment of the environment. Typical of the work we do is the publication of documents to our members, and one in particular which we are just publicizing is entitled Waste Management, which will be delivered to all our members.

I am pleased to introduce Mr Don Wiersma. Don is with the Canadian Manufacturers' Association. He is manager of their policy group and manager of special projects, environment. Mr Doug Sirrs is an environmental engineer with General Motors of Canada and he will be making the presentation on our behalf.

Mr Sirrs: The Canadian Manufacturers' Association represents approximately 75% of manufacturing in Ontario. Our members, both large and small, represent all sectors of manufacturing.

The CMA strongly supports waste minimization as a cornerstone of sustainable development and is committed to working with all levels of government to achieve practical and cost-effective solutions to environmental challenges. However, the CMA has serious concerns with the approach that is proposed in this legislation and the atten-

dant regulations. We believe this measure is seriously flawed and will hinder achievement of the common goal of responsible waste reduction.

Before turning to our major area of interest and concern, part IV, the CMA would like to make some comment with respect to part III of the bill. We believe the government is establishing an odious precedent in granting such far-reaching, overbearing and unrestrained powers to the minister. Such an approach can only harm the community's confidence that its government is dedicated to an appropriate and meaningful consultation process. We have concerns that such discretionary powers erode certainty, one of the crucial attributes of a positive business climate.

The CMA also strongly recommends that the Ministry of the Environment not limit the options for waste disposal in Ontario. A responsible waste management system relies on all levels of the waste management hierarchy; that is, reduce, reuse, recycle, recover and dispose. The first 3Rs are obviously the preferred options, but are not necessarily inconsistent with recovery of energy from waste. The recovery component plays an important role for the residuals of 3Rs programs prior to ultimate disposal. Wishful thinking is not a sound basis for policymaking or legislation.

Turning now to part IV of the bill and the attendant regulation, first, we have serious concerns respecting the consultation process surrounding these initiatives. We are extremely concerned and disappointed that the consultation process with ministry staff was scheduled after the initiative paper was published and a mere two days before formal written comment on the proposals were due. Had the consultation process been more reasonable, it may be that the government would have avoided some of the pitfalls apparent in these proposals. Some of those pitfalls are:

1. The fact that the baseline data approach for waste audits, work plan reports and purchased package reductions is quite unrealistic for many businesses. Many simply do not have such historical data. There is no provision for new developments in market growth which may take place after a given reference year.

2. The fact that a requirement for the completion of waste audits and work plans for all manufacturing facilities with 100 employees or more by July 31, 1992, is simply unrealistic and unreasonable. This does not provide enough time to adequately evaluate the recycled content of products, packaging and materials purchased or used in production.

3. Many manufacturers assemble products that are made up of hundreds, if not thousands of individual parts. It is impossible to determine the recycled content of these individual parts and other indirect materials. Many firms procure materials from outside Canada, and suppliers are

not always willing to provide relevant information. Multi-national companies may not control their purchasing activities in Canada and may not be in a position to directly influence those activities.

4. Most manufacturers today have reduced their head counts to bare minimums in an effort to maintain competitiveness in a fiercely competitive global economy. They simply do not have the resources to meet the requirements of these proposals. The training requirements of the proposals are exceedingly onerous and unreasonable.

5. Many manufacturers in Ontario do not control the design of their products, and for those that do, redesign is a complex, expensive and market-sensitive undertaking. You simply cannot redesign product within the time frame suggested in these proposals.

6. The imposition of a mandatory deadline of September 30, 1992, for the establishment of source separation systems for companies located in the greater Toronto area is completely unrealistic. Many companies do not have space to establish such systems. Others do not have the money available to erect the necessary structures or purchase the necessary equipment. Further, there is a serious and significant downward pressure on the price of recyclable commodities such as glass, cardboard, newsprint, etc. The imposition of this requirement is premature, given the uncertain nature of these markets. What the proposals would achieve is the significant increase in operating costs in a context in which there is no reliable market for the waste so separated.

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7. Adoption of these measures by Ontario would place Ontario businesses out of step with other jurisdictions at a time when national, indeed international standards should be developed. The Canadian Council of Ministers of the Environment endorsed the adoption of voluntary actions through the national packaging protocol. Ontario was a party to this concept, but this legislation runs directly counter to that approach. Ontario's unilateral adoption of the subject initiatives will disadvantage Ontario businesses.

8. Many of our members have embarked on extensive and successful waste minimization programs. They have learned that in order to be successful, those programs must be flexible enough to respond to highly variable conditions. Rigidity in establishing these programs dooms them. Adoption of the subject proposals would impose such a rigidity. What is not needed is an approach based on enforcement of unrealistic, unachievable mandatory requirements. Industry should be afforded the opportunity to pursue the goal of waste minimization in the manner best suited to its particular circumstances, and not on the basis of a simple-minded approach to a vastly complex issue. We believe that so long as an organization is diligently pursuing these goals, it should be able to find its own way to do it. It should not face a brand-new, ineffective bureaucracy bent on the enforcement of ideological, not practical principles.

The CMA believes that our members are not receiving credit for the significant reductions that have already been made in the amount of waste generated. We believe that guidelines, not regulations, should be used by government in this situation. We are committed to waste reduction and

only ask that regulatory roadblocks and unrealistic objectives be avoided. We urge the committee to make recommendations to the minister which would allow business the flexibility it needs to get on with the job. Thank you. We would be pleased to answer any questions you may have.

Mr Wiseman: I have asked this question to a number of deputies, and it rises out of a proposal made by WMI Waste Management of Canada Inc about the content of products and the amount of recyclable material within these products. It was suggested by them that the province and in fact the government of Canada should regulate and say that products sold in Canada should contain a certain amount of recyclable material. Given what was in the free trade deal, I wonder if you can comment on whether or not we have, as a government in Canada and Ontario, the flexibility, the right and the jurisdiction to mandate recyclable content within the products that are sold in Ontario.

Mr Irwin: My answer to that would be that I am a firm believer in the free market system. If I can step back for a moment, one of my major concerns about this legislation is the very fact that it is being legislated rather than letting the free market take its place. If I think of my own company and waste minimization, the costs of disposal have become so horrendous that it is incumbent upon us as capable business people to source-separate, to reuse and reduce. If I were to make any plea, it is to let the free market forces do their job. I do not think that regulation per se is the way to go about it.

Mr Wiseman: As a supplementary to that, my understanding is that the price of recyclable glass has dropped and that one of the reasons for that is that the free market has allowed the Labatt's company to import beer bottles from Mexico, replacing Canadian-made beer bottles and causing the closing down of two companies in Ontario that could receive the glass. Again, it seems to me that what WMI Waste Management of Canada Inc and other private sector companies interested in the recycling market are saying is that if you allow that to continue, there will not be any market at all because you will always be able to find the products cheaper somewhere else and import them cheaper. Therefore, there will be no market for recyclable products from Ontario unless you legislate and regulate.

Mr Sirrs: I think what we also have to look at is that there are other factors involved. There is no one single pressure that pushes the market one way or the other. I think we also have to look at the infrastructure for glass recycling contamination rates. I think more likely to be the major pressure here are the materials and the recyclability of those materials. If there is no infrastructure available to properly handle those materials—by infrastructure I mean the companies that provide these services. If they are not available to do that, you are going to start to experience the downward pressures on the market. By forcing, with the stroke of a pen, the recycling process for all these materials, if that infrastructure is not there to properly handle it, is just going to compound the problem. It is not going to solve the problem.

Mrs Marland: I read your very strong statement that you should not be facing an ineffective bureaucracy bent

on the enforcement of ideological, not practical principles. I respect that as a strong statement. Is your concern more that it just does not work if government has not invested money in research and development for markets and the development of where the recycled and end product goes? Only so much can be done on site at the manufacturer, depending on what it manufactures, in terms of looking after its own waste, I realize, but what is your concern? I am sure every one of you, looking at it from an ideological perspective, would want, as you have already said, to reduce the cost of waste from a practical standpoint, but I think, looking down the road to the future of your children and grandchildren, you really, ideologically also, would want to remove that major nuisance in our environment. It is a major contributor to the problems our environment faces because of the waste that mankind and womankind have grown to create. What is your concern? Is it the fact that if it is mandated without the R and D into markets, it is just not practical at the moment, that ideologically it sounds great, but why legislate if there is not an end source use?

Mr Sirrs: It was presented in the paper that we agree with the intent, the long-range goal, the concern with the impact on the environment, waste reduction, etc. What we are opposed to is the implementation of a rigid structure and, "This is how it's going to be done." In order to properly look at reducing the waste materials and reaching our end goal, we need the flexibility to custom-implement or custom-design the programs for each individual, business, industry etc. By placing a rigid structure, trying to force-fit it on to industry and society as a whole, some of the gains that could be made will not necessarily be made by the fact that we were focused and forced into the channels of the regulation versus trying to make the biggest gains.

Mrs Marland: I should ask if the government of today had any discussions with you.

The Chair: Your time is almost up.

Mrs Marland: In your discussions with government, have you ever heard how it is going to control those products that come into the province packaged the way they are from other countries in the world?

Mr Irwin: We were not afforded any consultation with government on this bill.

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Mr Wiersma: Perhaps I could add to that.

The Chair: By all means.

Mr Wiersma: The CMA did meet with the ministry in January. We raised this very issue. We were told that it was under discussion and that they would be coming back to us at a later time, but so far we have not had that further communication.

Mrs Marland: That was last month, after the bill was tabled?

Mr Wiersma: That is correct. May I just add that before Mrs Marland came in we introduced this paper as an example of what the association is doing. We are doing a lot with our members in terms of waste minimization and the whole principle of waste reduction. It is the regulation of it which we feel is not necessary. It is an added cost to

us in dealing with this issue, plus an added cost in the bureaucracy, and will not bring any basically different results. That is our issue.

The Chair: Mr McClelland, the deputants have taken the additional time that you normally would have had. What I would ask is that you place your question for the record.

Mr McClelland: I will pass.

The Chair: There are a number of people who wish to. Mrs Mathysen, question for the record.

Mrs Mathysen: You have indicated in your brief that you do not have the personnel to do these audits. Will conducting these waste audits and saving resources not help create jobs and also help you to achieve the kind of profit margin by saving that you are concerned about?

Ms Haack: Actually this is a question for the ministry with regard to the comments these gentlemen have made. Has the ministry received their document and has it responded in any way?

The Chair: The procedure now is that the clerk will make available to you the questions that have been placed on the record, which you will not have time to respond to. If we receive your written response before February 14, which I know is not very far from now, it will form part of the public record. If it is after February 14, your response will be distributed to all members of the committee so that they can consider it during our deliberations. Thank you very much for appearing before us this morning.

CREDIT VALLEY RESIDENTS ASSOCIATION

The Chair: I would like to call our next presentation, from the Credit Valley Residents Association. Please come forward. You have 20 minutes for your presentation. Would you begin, please, by introducing yourself to members of the committee. We ask if you would leave a few minutes at the end for questions from committee members.

Mr Galant: Ladies and gentlemen, my name is Steve Galant. I am the vice-president of the Credit Valley Residents Association. Our community is situated between Creditview and Second Line, immediately north of the Britannia landfill site. We live in a partially completed community made up of approximately 500 new homes and 1,500 taxpayers.

By way of the executive summary, we wish to express the following: our history in seeking the closure of the Britannia landfill, our frustration with the political process, our loss of faith in all levels of government and all politicians and our disgust—I stress disgust—with the solution put forth by Ruth Grier and her ministry to solve the waste disposal crisis within the region of Peel; namely, Bill 143.

This bill has a total disregard for our rights as citizens of Mississauga. This is demonstrated by an overruling of all legal, binding agreements. Moreover, if the bill is passed and receives royal assent, all costs to our community and a whopping tax component will be at our own expense.

The residents within our subdivision entered legal, binding agreements with the developers when we purchased our homes. Prior to purchase residents actually

checked the official master and secondary plans for the subdivision at the city of Mississauga. Registered documents limited the life expectancy of Britannia to 12 years or the proposed contours.

I would like to draw your attention to a brief summary of these laws, which we would like to call exhibit 1. Exhibit 1 is "Information Extracted from Landfill Site Documents." I am certain you all have a copy by this point.

The October 19, 1977, bylaw 601-77, page 1, paragraph 2, states "and whereas section 345(77)(a) of the Municipal Act states that no land may be acquired for use as a sanitary landfill without the approval of the local municipality subject to such terms and conditions as may be agreed upon."

Schedule A to bylaw 601-77, page 2, paragraph 3b, says, "The region agrees that the area to be used for actual sanitary landfill on the site area will be restricted to a maximum of 200 acres as presented to the Environmental Assessment Board with substantial non-filled areas being utilized as buffer zones, setbacks and berms."

Page 3, paragraph 3c, of the same report states, "[The region] agrees that it will restrict the landfill operation to elevations not to exceed the contours shown on the Proctor and Redfern Ltd drawing number B75420-4, dated January 1977 (as contained in the Design Report for Central Britannia Road Landfill Site (Site 4), which has been submitted to the Environmental Assessment Board and the city of Mississauga) with a view to limiting the landfill operation to a maximum of 12 years."

The second document, dated November 15, 1977, was an Ontario Municipal Board decision regarding the application of the region of Peel to amend the official city plan. Page 2, paragraph 5, states: "This site is only to be used for 12 years at which time it is to be converted into a park. If a larger site were acquired, the period would be prolonged to the discomfort of the adjacent owners."

The OMB decision, page 2, paragraph 6, stated, "There was an extensive hearing by the board under the Environmental Protection Act who recommended approval of the application and the director has issued his provisional certificate of approval subject to the conditions endorsed thereon."

The third document, dated April 10, 1978, amendment 278 to the official plan, page 6, paragraph 5, states, "It is estimated that the subject lands will be used for sanitary landfilling for eight to 12 years."

Pages 6 to 7, paragraph 6, state, "Only the lands subject of this application were approved by the Environmental Assessment Board. In view of this, any expansion of the subject site for sanitary landfill purposes or the establishing of any additional sites for this purpose will require approval of subsequent amendments to the official plan and the zoning bylaw."

So now we have introduced the official plan and the zoning bylaw. Page 8, paragraph (g), states "The landfill site shall only remain in operation for a maximum time period of 12 years."

Appendix III, page 8, paragraph 3, states:

"In the decision on the application, the board recommended that consideration be given to limiting the operational life of the site to 12 years.

"With reference to the possibility of the site being expanded (or used for the disposal of liquid industrial waste) the board reserved comment in that these issues were beyond the scope of the application and they would require further public hearings"—I stress "public hearings"—"if they were to be considered."

The fourth document, dated June 1, 1978, the OMB order approving bylaw 161-78, page 2, paragraph 1, states, "In addition to those uses normally permitted in an '01' zone, the lands to which this section applies may also be used for a sanitary landfill site provided however that such use shall be permitted only for a maximum period of 12 years from the date this section comes into force."

June 23, 1977, Environmental Assessment Board Report on Public Hearing, page 35, states, "The selection of a site which would last nine to 12 years would give sufficient time for the overall solid waste management plan for the region to develop and for resource recovery technology to be advanced; hence, the 200-acre size which forms part of the application."

Page 57 of the same report states, "The board, therefore, recommends that consideration be given to limiting the operational life of this site to 12 years."

The same document states, "With reference to the possibility of site 4 being expanded, at some future date, to include the property immediately to the west of the site, and, also, the possibility of site 4 being used for the disposal of liquid industrial wastes, the board reserved comment on these two issues in that they are beyond the scope of the present application, and would have to be made the subject of further public hearings if they were to be considered."

Document 6, March 5, 1990, amendment 162 to the official plan, page 4, paragraph 2, bylaw 191-90, states: "On the basis of a solid waste management study commissioned by the region of Peel, the subject lands were approved for use as a sanitary landfill site by the Ontario Municipal Board on November 15, 1977. On April 10, 1978, city council enacted the necessary official plan amendment (number 278) and bylaw 161-78, which zoned the lands '01-Section 855,' permitting the use of the lands for landfill purposes for a maximum period of 12 years. The bylaw was approved by the OMB on May 31, 1978.... Operations should continue until such time that the contours approved in an October 11, 1977, agreement between the city and the region of Peel are reached."

March 26, 1990, bylaw 192-90, page 4: "01-Section 855 (existing) permits a sanitary landfill site on the subject lands for a maximum period of 12 years from the date of the bylaw coming into force (May 31, 1978)."

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Concrete and binding: this is what the legal decision-making process is all about. Twelve years is literally cast in stone by all levels of government. These laws, ladies and gentlemen, are the conditions on which we as residents, in good faith purchased our properties. If we now in turn take this piece of paper and turn it around, this is in actual fact what we have: We have these laws superseded and I think this is in effect what Bill 143 does.

When Ruth Grier decided to take over the site selection process in November 1990, we expected cooperation between the Ministry of the Environment and the region of Peel. When we petitioned with 350 signatures from area residents in April last year, prior to this Bill 143, in opposition to any expansion of the Britannia landfill, we expected to hear a response. This did not happen. According to Bill 143, this is legitimate.

Through numerous telephone conversations, we discovered that Senes Consultants and the Elora group were appointed by the Interim Waste Authority to find the next potential landfill site within the region of Peel. The Elora group would be involved in the public consultation process for the long-term site and not for the immediate situation at the Britannia landfill, so we had no public hearing process set up for us at that point in time. That was disappointing.

We invited the minister to a community ratepayers' meeting in mid-May 1991 in hopes that we would receive answers. The minister was unable to attend.

We submitted a second petition, with approximately 950 signatures, to the Environment minister's office. This was in the form of a petition, and the cover letter is available as exhibit 2: "Subject: Britannia Landfill Expansion." What this cover letter did was give a brief history of the occurrences and the activities up to that date. It also showed that we had frustration at that point in time as well.

We held a public demonstration at the landfill site in October. This demonstration was an attempt to convey to the minister that we were not satisfied with the lack of response to our letters and petitions and the level of cooperation between the minister's office and the region of Peel.

The response to our letter is identified as exhibit 3, a letter that was issued to us by Mr Jim Merritt, regional director, on November 26, 1991. In the second paragraph he states that "experience with the design and construction of the site indicates the vertical expansion of Britannia landfill site is technically and environmentally acceptable." We find this quite interesting. Where did this information come from? Why are we in the region of Peel paying for studies if the expansion is both "technically and environmentally acceptable"?

In accordance with the laws stated earlier, technically we have a 12-year site. Environmentally speaking, we must get a hearing. Was it not the minister's policy prior to being elected not to expand any landfill site without full environmental hearings? Is it the government's policy to hold public hearings after the decision has already been made?

In reality, Bill 143 is about the people surrounding the Britannia and Keele Valley sites. If we had an alternative landfill location, Bill 143, this bill here, would not exist today. This bill is about total and complete control. It denies responsibility; it denies accountability. This legislation is directed at us and we would pick up the tab.

With the disregard for our rights as citizens and all legal obligations involved, it becomes obvious why the minister, Ruth Grier, lacks the cooperation and the support needed to reach mutual, fair and binding agreements with the region of Peel. If the minister would have communicated and cooperated with the citizens at large a year ago,

perhaps she could have avoided Bill 143, and Britannia might not be an issue here today. Now, we as residents and taxpayers must pay the unfair price for the bill and the delays related to finding a long-term facility.

This bill is a relatively poor solution to a long-term problem. If the minister had spent as much time finding alternative site locations and identifying an efficient and timely evaluation process, we would not be wasting our time and taxpayers' money here today.

Mr McClelland: I do not know what more I can add, other than to summarize what you have said. You have seven different documents. You specify 14 different undertakings or promises made. You have a minister who came into your community and promised there would be no expansion without a full environmental assessment. You have a Premier, who was then Leader of the Opposition, who came in and made the same promise, and now you cannot even get any assurances from the minister that there will only be one lift.

What she is saying to you is: "Trust me now. It's okay if I override the OMB. It's okay if I override the environmental assessment process. It's okay if I override binding agreements that you entered into in good faith when you as residents made perhaps the biggest purchase you will make. It's okay that my decision is going to impede the completion of the community, including the community centre. It is putting thousands of people out of work right now in terms of the construction projects that are on hold. That's okay. But trust me, because I know what is best. And by the way, when I tell you I know what is best, you are paying the tab." That is what the minister is saying to you.

I do not know how I can say it any better than you have already said it. That is basically what you have been trying to tell us. How do you feel, as people who were promised by a government—I am not allowed to use words that are unparliamentary. But you had two people who are now leaders, front bench leaders—one is the Premier, the other is a trusted minister who sits beside the Premier—who made promises to you and to the people all across this province. When they were making them to you they made them to everyone. How do you feel about that?

Mr Galant: Well, it is quite simple: Disappointed and frustrated, and we feel this is not an NDP government. This is in fact a dictatorship. If they are going to tell us what our rights as citizens are within our own city and later just turn around and shake their heads and go, "What we promised you before the election is not actually the case," there is nothing more to say.

Mrs Marland: Madam Chairman, I am very curious about a process that is going on in this committee. I do not know whether it is minister's staff or ministry staff who come up and write the questions for the government members. Surely to goodness these government members, who have been in this House now for 18 months, know enough about this issue that they can compose and digest and present their own questions. I am floored to see what is going on.

The Chair: This is the time when you have the opportunity to ask questions of the deputant or of the parliamentary

assistant. I would ask that you do that in order that we maintain order at this committee and also that we can use the time to hear from the public.

Mrs Marland: Thank you, Madam Chair. I will do that.

I would like to know if you yet have a response to your six-point presentation, which you have now given the minister twice, that I know of, in a public forum.

Mr Galant: We have a meeting set up with the minister, February 27 at 7:30 pm, where further discussions will take place. We are not optimistic at this point in time, but at least we are willing to listen.

Mrs Mathysen: Mrs Marland effectively covered my question regarding the fact that the minister will meet with the ratepayers at the end of February to discuss this.

Mrs Marland: Oh, whoopee. That's wonderful.

The Chair: Order, please. I must ask for order in the committee. The deputants, if there is a final summation?

Mrs Marland: What about the word "betrayal"?

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Mr Galant: That is definitely the way we feel. We do feel betrayed, not only by the city, not only by the region, but also by the Environment minister. First of all, in November 1990 she decided to take over the process herself. We may be repeating ourselves, but three months later our best candidate, namely site 6B, was thrown right out the window. Nine months later we are told that she has no choice; she is taking the power of emergency upon herself. She is saying: "I'm declaring an emergency on my behalf because I don't have an answer for you people out there. I'm sorry, but this is the next step in the process."

The Chair: I would like to thank you very much for appearing before the committee today. If there is any additional information you would like to share with us over the course of our deliberations, please feel free to communicate with us in writing. The committee thanks you very much for coming forward today.

CANADIAN CHEMICAL PRODUCERS' ASSOCIATION

The Chair: I would like to call next the Canadian Chemical Producers' Association. Please come forward. You have 20 minutes for your presentation. We ask if you would leave some time for questions from committee members. Would you begin by introducing your delegation. Start your presentation now.

Mr Rose: Good morning. My name is Barry Rose and I represent the Canadian Chemical Producers' Association this morning, which I will hereafter refer to as the CCPA. Accompanying me is Dr Harold Quinn, a consultant with the CCPA.

The CCPA appreciates the opportunity to appear before the standing committee to discuss some concerns it has regarding certain aspects of Bill 143. In particular, our concerns relate to part IV of the bill regarding some of the proposed amendments to the Ontario Environmental Protection Act and to the waste management regulation being proposed under the amended act. The proposed regulation has been outlined in a discussion paper from the waste

reduction office of the Ministry of the Environment entitled Initiatives Paper No 1. Our concerns regarding the initiatives paper have been expressed in writing to the waste reduction office; however, highlighting some of those concerns will constitute part of our presentation to you today.

To give you an appropriate perspective for consideration of our concerns, I will provide some background regarding the CCPA. It is a national association of 73 companies engaged in the manufacture, distribution and sale of chemical and allied products. In 1990, sales of this industry approached \$10 billion and it employed approximately 26,000 Canadians. About 60% of the business is Ontario-based and about one third of the sales from this industry are to the export market. At the same time, about one third of the chemical sales in Canada are based on imports.

Several years ago the members of the CCPA assumed a self-imposed commitment to protection of the public and of the environment. That commitment, called Responsible Care, covers all aspects of the development, manufacture, distribution and waste management associated with the production, marketing and use of their products. Endorsement of that commitment is today a requirement of membership in the association. The specific expectations of the commitment are defined by six codes of practice, one of which addresses the responsible management of waste. That code states that "CCPA advocates waste reduction at source, followed by recycling, recovery or reuse, as preferred options to disposal."

This is particularly relevant to discussion of our concerns about Bill 143 and regulations that may arise after amendment of the Environmental Protection Act. Responsible Care is a voluntary, as opposed to a regulation-driven, program, designed to ensure a cost-effective approach to protection of the public and the environment. Regulations which are not well conceived and are difficult to administer may not be as effective, from the standpoint of either cost or protection provided, as good voluntary programs could be. In economic times such as we are now experiencing and may indeed encounter for some time to come, it is imperative that the government take advantage of the demonstrated will of industry to be environmentally responsible and give serious consideration to the encouragement of such voluntary programs. Failure to do so could impede the development of a highly productive industry, with no resultant improvement in the health of our environment.

I would now like to make some specific comments relating to part IV of Bill 143, particularly section 28, which amends section 74 of the act. This amendment extends the scope of the studies the minister may undertake to assess the need for more control of packaging, containers, disposable products and other products that pose waste management problems. The CCPA is most supportive of this amendment in that it is important that appropriate studies be conducted to assist identification of those waste management situations which have opportunities for improvement. Such studies should involve industry and can provide a stimulus for the development of voluntary programs involving a broad industrial spectrum. An example of an initiative currently under way that is reflective of that

approach is the national packaging protocol. While such studies may result in new regulations, it should not be a foregone conclusion that they will.

Looking at section 29, which amends section 77 of the act: Section 77, as it stands, prohibits the use or sale for use in Ontario of packaging and packaging materials contrary to the act or regulations.

The amendment extends that prohibition to disposable products and other products deemed to represent a waste management problem. Although it possibly is inferred, it does not specify that this prohibition is for Ontario. While it is accepted that this act and its regulations would not apply beyond Ontario's borders, the phraseology of the amendment suggests it could impact upon the sale in other jurisdictions of designated products made in Ontario. CCPA recommends that it be made obvious that the intent is only to impact upon those products that have been demonstrated to represent waste management problems in Ontario.

CCPA is also concerned that without a definition of what is meant by "waste management problems," this amendment leaves the way open for unilateral identification, by the ministry, of products deemed to present such a problem.

Section 33 of Bill 143 addresses numerous amendments to section 136 of the act. While it is necessary that many of these amendments be made to allow the ministry to proceed to write waste reduction and packaging reduction regulations, CCPA is concerned that they will allow such arbitrary actions as the banning of disposable products or those deemed to pose a waste management problem. This is dealt with in subsection 33(12). Also in subsections 33(3) to 33(8), in the amendment of clause 136(6)(a) to subclause 136(6)(e)(ii), to replace the word "beverage" with the word "product" provides the opportunity for sweeping regulation of products in the marketplace.

To impose the same regulatory requirements on all packaged products that packaged beverages experience today may not be necessary and has the potential to become both onerous and unmanageable. CCPA recommends that there be reconsideration of the amendments proposed for these sections of the act. Acceptable amendments would be more restrictive than those provided by simple substitution of the word "product" for the word "beverage," and should at least define the types of waste management problem that would prompt such rigorous control.

Finally, some comments regarding Initiatives Paper No 1: It appears this is a paper upon which will be based a waste reduction regulation. As mentioned earlier, the CCPA has responded in writing to the waste reduction office regarding its concerns with some of the proposals set out in the paper. We shall now highlight for your benefit some of the comments in that document.

We recognize that the ministry is attempting to address a waste management situation that has, in some parts of the province, reached crisis proportions, thus demonstrating the need for long-range planning by both provincial and municipal governments. The solution to this must of necessity be a long-term one. The CCPA agrees with the need for waste reduction programs, but is not convinced

that they should be required by regulation. There are in place today many waste reduction programs that are totally voluntary and very successful. The high cost of waste disposal itself provides a stimulus for their development. Within the context of the Responsible Care commitment, member companies of the CCPA are expected to have waste reduction programs. The CCPA has under development an annual survey for monitoring the progress of waste reduction across its membership.

Consequently we suggest that voluntary programs that meet some minimum design criteria should be acceptable to the ministry. Those, coupled with an annual report providing only information required to measure progress towards the defined waste reduction target, can be programs that are both successful and cost-effective. The ministry must be very sensitive to the demands which proposed programs will put on its own resources and those of the sectors which it proposes to regulate. For sectors of industry or business which are not inclined to develop voluntary programs, regulations may be required.

The proposed regulations are designed to address an Ontario problem and to impact upon Ontario industry and business. However, the problem is not peculiar to Ontario, nor are the affected industrial and business sectors. Unless other provinces launch similar initiatives, the Ontario-based sectors will be at a competitive disadvantage versus their counterparts. The CCPA suggests that the timing of this program is appropriate for the Ontario ministry to undertake an initiative with other provinces, presumably through the Canadian Council of Ministers of the Environment, to negotiate a harmonization of waste reduction programs and requirements. This is more of an imperative for regulated programs than it would be for voluntary ones.

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The reduction of packaging waste is a major focus of this program, that focus being almost exclusively on the packaging introduced to the marketplace by four industrial sectors, of which the chemical industry is one. In this document we comment on some specific concerns which we have and wish to draw to your attention two of them:

1. The packaging used by the chemical and chemical producers must meet defined regulatory standards to assure protection of the public. Change of packaging specifications cannot be arbitrarily accomplished.

2. Much of the packaging used by Ontario industry is exported; much of the packaging disposed of by Ontario industry is imported. The proposed program offers no credit for lean export packaging, nor does it appear to address management of imported waste.

Source separation programs are also a component of this regulatory initiative. Many companies already have programs in place. One of the deterrents, however, for some potentially recyclable materials has been the lack of a viable market for them. There is a valid concern that great stockpiles of these materials will arise and that without emphasis on development of the market infrastructure, they will ultimately become landfill, but now very expensive landfill. It is the suggestion of the CCPA that the ministry take a greater initiative than it has to date to assist the development of markets for recyclables.

These then are some of the concerns regarding the proposed amendments, through Bill 143, to the Ontario Environmental Protection Act and regarding regulations that are proposed upon amendment of the act. CCPA again expresses appreciation for this opportunity to meet with you and is prepared to engage in in-depth consultation with the Ministry of the Environment on these issues.

Mr Wiseman: I am interested in a couple of the comments you made concerning packaging and concerning importing of packaging and exporting of product, the relationship that has to the marketplace and what the demand in the marketplace is doing and the regulations of various jurisdictions.

For example, we know that California is putting into place very rigid environmental standards for packaging, for air quality, for the sale of automobiles, for a whole host of things, because its environment has pushed it to that point. We know that in the northeastern United States they are having the same kinds of landfill problems that we are here. Given all those factors, is it not reasonable to assume or to expect that the people who use most of the packaging and are doing the research on the packaging will not only take a look at the national protocol as a standard, but where possible will surpass those standards in order to get the most efficient packaging at the least cost? That would give them a competitive advantage in any market in North America, because they could then market it in terms of it being cost-efficient as well as environmentally sound.

Mr Rose: I think that with the Responsible Care program that the chemical producers are supporting, these kinds of activities are now taking place. It does make sense for our members to reduce the packaging they use and to look at more cost-effective packaging coming into the country. I think that is being accomplished entirely on a voluntary basis right now. It is quite successfully being accomplished.

Mr Wiseman: Do you think we should do as some of the jurisdictions in the United States are doing, regulate the recyclable content of packaging that will be on the shelves in this country?

Mr Rose: Again, I think for our industry that is far more efficiently accomplished on a voluntary basis, given that although we are 73 chemical companies, each one produces a different product and has different restraints on how it approach the problem. It is very difficult to regulate such a diverse industry. However, on a voluntary basis with the intent that is there under the Responsible Care program, I think we are accomplishing the kinds of ends that regulation would really get in the way of.

Mr Wiseman: Are most of your companies going to surpass the national protocol standards?

Mr Rose: Their intent is to work in that direction.

Mr Wiseman: Then that would give them an advantage in markets like California that will regulate and say you must reach these certain standards. After all, cars in California are going to have very strict emission standards by the year 2003. That means the entire North American car market is going to have to come up and meet those clean air standards if it wants to sell cars in California, a

20-million-person or 23-million-person market. What I am trying to get at here is that it would make a whole lot of sense for the international competitiveness of our companies to meet and surpass any standards that will be set anywhere in the market area they supply the product to.

Mr Rose: I certainly agree that it would just make good marketing sense.

Mr SOLA: I would like to carry on the same line of questioning but from a different angle. What is the effect on your industry when Ontario is out of sync or out of step with the rest of the country as far as the standards are concerned? You mentioned that there will be no management of the packaging coming into the province but that there will be strict controls on the packaging you produce here. What does that do for your industry? What does that do for the investment potential of your industry in this province?

Mr Rose: Certainly that will put an additional burden on the companies operating in this jurisdiction, and that extra burden will tend to make them non-competitive with other jurisdictions that are not faced with those kinds of burdens. One of the points we made in the paper is that we are very supportive of harmonization of the efforts. Under the Green Plan there is a plan to develop a waste inventory. We have the national packaging protocol, which is in the process of multistakeholder consultation, and we have the waste reduction plan for Ontario. We support the intent of them and we think we have an opportunity at this point to harmonize these various programs and do them better here in Ontario than maybe in other jurisdictions and turn this into an advantage rather than a disadvantage. We are very supportive of that harmonization with Canada and the other provinces. We feel that is necessary.

Mr SOLA: In other words, you are not against the direction this is going in but you are against impediments being placed upon the industry in Ontario which are not placed upon the industry in other provinces?

Mr Rose: We would prefer to get there with a minimum of administrative burdens and spend our dollars on actions that are cost-effective in achieving the goals that have been set out. We certainly agree with the goals.

Mrs Marland: It is true that your industry presently is subjected to instantaneous environmental audits without notice in any case, is it not, in terms of your overall operation?

Mr Rose: I have not experienced that; our company has not experienced that but certainly we work very closely with the Ministry of the Environment in many areas.

Mrs Marland: But are not the existing regulations such that the ministry has the power to do an environmental audit on your operation, where it can come in and look at your books and records without any warning?

Mr Rose: They have the opportunity to come into our plants to deal with any suspected infraction of the Environmental Protection Act, yes.

Mrs Marland: Without prior warning?

Mr Rose: Yes.

Mrs Marland: In other words, the industry is very closely regulated at the moment in terms of the production of chemicals?

Mr Rose: We are very closely regulated, yes.

Mrs Marland: Approximately what percentage of your product is exported out of Ontario? Just a ballpark figure.

Mr Rose: I can only speak for my particular company. On the chemicals side of my particular company, probably about 50%.

The Chair: Thank you for your presentation before the committee today. We appreciate your appearance. If there is additional information over the course of our hearings, please feel free to communicate with us in writing.

1100

CANADIAN COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION

The Chair: I would like to call next the Canadian Cosmetic, Toiletry and Fragrance Association. Welcome to the standing committee on social development. You have 20 minutes for your presentation. We ask if you would leave some time for questions. Please begin now.

Mr Wilding: My name is Cyril Wilding and I am vice-president of the Canadian Cosmetic, Toiletry and Fragrance Association. Thank you for the opportunity to provide comments to the standing committee on social development as you consider Bill 143.

I would like to start by describing the Canadian Cosmetic, Toiletry and Fragrance Association, an Ontario-based association whose members I am privileged to represent today. CCTFA membership is comprised of over 85 companies manufacturing and distributing cosmetics, toiletries and fragrances, and 125 associate companies supplying materials and services to the industry. Direct employment is approximately 8,000 persons, and of course several times this number when you consider the number of persons employed in retail stores and salespersons who sell such well-known brands as Avon and Mary Kay Cosmetics on a direct basis to consumers. Ontario is the head office location for more than 65% of the association's membership and is the key manufacturing area for Canada.

CCTFA members are committed to reducing solid waste and its impact on the environment. Just to cite a few examples, plastic and glass containers have been reduced in their thickness; toothpaste is currently being marketed without cartons; antiperspirants and deodorants are being sold without outer containers; dividers have been removed from shippers, and many other activities are taking place. CCTFA actively participated in the development of the national packaging protocol and is fully supportive of its objectives and timetables.

CCTFA has a code of environmental principles which was published in 1991 in a government of Canada publication titled *An Overview of Environmental Policy in Canada*. A copy is attached for the committee's review. These activities and initiatives being carried out by the member companies of CCTFA on a voluntary basis should, I be-

lieve, indicate to the Ontario government that industry shares in the need for reduction of solid waste.

The cosmetic industry is highly regulated by federal acts and their regulations, such as the Food and Drugs Act. Therefore, we must be cautious in how packaging is used, as we have a responsibility to provide safe products to our consumers and packaging plays an important role in this regard.

I would like now to go to specific concerns regarding Bill 143. There are several clauses changed or added in part IV under the title "Litter, Packaging Containers, Disposable Products and Products that Pose Waste Management Problems," that we do not understand the rationale or the necessity of.

Changes to section 136 which allow for "regulating or prohibiting the sale and use of disposable products...that pose waste management problems" are a cause of major concern. The wording in the proposed legislation would allow the minister to selectively ban any product sold in Ontario, since virtually all products pose some kind of waste management challenge. This undefined and unsubstantiated proposal could be seen as a dark and ominous cloud constantly hanging over the heads of Ontario's manufacturing industry and its employees.

Legislation under section 136 would allow for regulations defining standard refillable, returnable and non-refillable in respect of containers and returnable or non-returnable in respect of packaging. The legislation further allows for the regulation of the stocking, display, sale, advertising or offering for sale of any product. We do not understand the intent or the rationale behind the changes in the legislation. Without clear definition of how these provisions might be used and without a commitment to carry out advance consultation, we are very wary of the impact of the proposed bill.

Bill 143 creates a further concern related to "requiring or authorizing the placement of a notice or mark" on the product "to indicate such matters of waste management or environmental concern as are specified in the regulation." These proposals could impede trade, and without specifics, what does it really mean? There are certainly countless requirements for labelling identifying marks on packaging. The addition of more marks in whatever form may confuse rather than inform.

The last, and perhaps of greatest concern to industry, are the proposed regulations under the bill that would require packaging audits and work plans. While we acknowledge their value in helping to understand and develop action plans for waste reduction, we do not see the necessity for regulation by the government at this time.

CCTFA would like this committee to consider carefully the following recommendations:

1. Delete clause 136(6)(l), which would regulate and prohibit the sale or use of disposable products that pose waste management problems. The impact on investment and employment prospects must be taken into account if such actions were to be initiated by government.

2. Any legislation should consider how a level playing field is to be maintained before regulations are enacted.

Ontario must maintain a vigilant posture if it is to remain the heartland of Canada.

3. The proposed work plan and audits be carried out under the national packaging protocol and no regulation be adopted until it is proven industry has failed in its voluntary approach.

4. Make public the number of additional persons to be hired by the government and the cost of the proposed programs under the amendments to the Environmental Protection Act.

5. The government clearly set out how it intends to monitor and act upon the work plans and audits which would be submitted by the many thousands of businesses in Ontario.

We thank you for your attentiveness during this presentation.

Mr McClelland: I appreciate your recommendations and I wish you good luck on number four. I might add that we asked two weeks ago if they could even tell us how many staff they brought in additional to the minister's and the parliamentary assistant's staff. It has taken two weeks and they cannot walk around the office and count up the number of staff they have there presently, so I wish you luck on that.

One of our great concerns has been what you allude to in recommendation 2. There are mixed messages, I think, clearly being sent here. The government on the one hand says: "We want to cooperate. Business is welcome." Those in the private waste management industry have said much the same thing. We do not know where we are at. I think there is a sense that people—we hope government will begin to understand that business needs to have some sort of certainty within which it can operate—that shareholders require that certainty, that investment requires that certainty.

I wonder if you might expand a little bit in terms of the competitive nature of your business and your industry and the requirement that you have to have certainty to operate competitively, not only within this country but indeed internationally.

Mr Wilding: I think the major thing of concern to us is that in today's marketplace you do not have to produce your goods in any one area. You have freedom to literally move around the world, wherever you produce. You are seeing a great deal of consolidation. In our industry some of the companies are turning out to be one-product plants. One particular industry in Quebec that is an international company that produced all its products in Canada has now gone down to producing one selected group of its products in Canada, and the others are produced in other areas.

Our type of products are easy to move around. There is not a great deal of weight. There is not a great deal of capital needed to set up a plant anywhere. Your plant can be a shell. Your machinery will be more costly, and certainly training the personnel. If Ontario is not careful—and we have already seen this industry being moved out of the country—it could lose the industry it has quite easily. We have companies which have gone to the United States and are shipping back into Canada. Over the last years, our

industry has lost at least 15% of its personnel by companies moving out of the country.

Mr McClelland: What would that number reflect, that 15%, sir?

Mr Wilding: That would be about 2,000 or 3,000. We are sure that if you keep adding regulation on top of regulation—this is not a single incidence—and add them all together, why would you come to Ontario with your plant when you can go to other provinces, get concessions and not be overruled all the time?

Mr McClelland: You are not suggesting that you would not want to be environmentally responsible; you are saying that within the terms of the national protocol and response to market demands, what the consumers are demanding, you will meet that, and that you would like to be able to do that.

1110

Mr Wilding: Consumers, at the end of the day, will somehow play a more important role, perhaps, than what we consider at this time. You are starting to see people go to the shelves looking for products that are "environmentally friendly," to use the wording.

Mr McClelland: I suppose Abraham Lincoln said it many years ago, that governments ought not to be doing what the people are doing themselves, and perhaps doing it better than governments. I am not sure that has changed in 200 years.

Ms Haeck: Thank you, sir, for your presentation. You have raised some interesting points. I have a couple of questions. You are part and parcel of the discussions around the national packaging protocol.

Mr Wilding: Correct.

Ms Haeck: The industry is definitely involved; am I correct?

Mr Wilding: Yes.

Ms Haeck: Has it been discussed at that level about making sure—sort of the best guideline, and Ontario, I guess, is definitely one of the larger industrial bases—that protocol, those regulations, will be the standard set throughout the country?

Mr Wilding: Yes, it has.

Ms Haeck: So that in fact within Canada there will be a level playing field.

Mr Wilding: We hope so, at the end of the day, if every province does not go off on its own.

Ms Haeck: Okay, but they are all part and parcel. There is an ongoing discussion and debate and trying to achieve some sort of norm.

Mr Wilding: Yes.

Ms Haeck: I am correct in that, then. Okay.

In looking at the local drugstore and trying to make a decision about what to buy, there is quite a range of products from different countries available on the cosmetic counters. I understand that in places like Germany there is in fact a very strict packaging protocol coming into place called the green dot system. You allude to it I think on page 5, that possibly you may be seeing this bill implementing a

green dot system. Is that your fear as you are expressing it in your first full paragraph on page 5?

Mr Wilding: It is our fear that the way the bill reads at this particular time, there is no indication the government could not take things off the market that somebody thought was wrong.

Ms Haeck: It is strictly as far as packaging is concerned; we are not talking about chemical content.

Mr Wilding: Not chemicals, no.

Ms Haeck: But is the fact that there is this commitment to the national packaging protocol and working with the industry—have you been given any sense in those discussions that this is about to happen?

Mr Wilding: I am not sure that I am clear on your question.

Ms Haeck: In your discussions with the other members of the packaging protocol committee and ministry officials, and obviously across various governments in the country, do you see or get a sense that there is a move towards establishing a green dot system?

Mr Wilding: There is somewhat of a green dot system, I suppose, if you were to look at the Ecologo Program, the environmental choice program. That is somewhat similar to some of the programs happening in Europe. But no, we do not see and we wish not to see a program implemented by governments into the marketplace.

Ms Haeck: Mr Wiseman had sort of raised with the previous presenters the issue about competitiveness and the various jurisdictions. I have mentioned Germany, but obviously there is this wider North American market that your industry is part of, jurisdictions like California, and I know that the eastern United States is very seriously getting involved with changing environmental regulations. Are you having similar discussions with those jurisdictions and are you trying to comply with their regulations?

Mr Wilding: From what we have been monitoring, we have not seen too much in the area of packaging in California. What our industry has been more concerned with is the NO_x volatile organic compounds situation, which is the air quality. We have been monitoring that closely and Canada is in fact following some of the things that are happening in the USA. You should remember that we are a country that really, in our industry, does not do a lot of innovation. The industry is controlled from outside Canada.

Ms Haeck: We recognize that.

Mr Wilding: Therefore, what happens in some of those jurisdictions will happen here automatically. For instance, there is a call for a reduction in VOCs in hairsprays in California and in some other states in the United States. As things are reformulated south of the border, they will automatically come north, so you will get some benefit from them.

Mrs Marland: It is interesting, the example you just gave, that because something is reformed south of the border we will receive the benefit. Would it not be wonderful if it worked in the other direction, that we could be leaders in reduced packaging and have an influence on their mar-

ket? But I recognize the numbers do not warrant that. I am just wondering if you see down the road that there would be two choices for your industry. Either we have to stay at the same level of merchandising—which is what packaging is all about, I would suggest—with the USA and the international market, or we just end up not producing here, having the job loss, and everything is imported. Then, maybe if the government wants to become totally automatic, they stop the importation of your products made outside Canada. Is that the end run, that we would become so insular, because that is the only way we can control it?

Mr Wilding: There is that possibility. I think that Canada—Ontario being the major portion of it—has to be very cautious in all matters of legislation and regulation. The industry is designed to make a profit for the stockholders. Stockholders are common people who hopefully invest in companies. It is a complete circle. When you take that initiative away from manufacturers to be able to produce profits, you lose shareholders and you lose your industry. Whatever we do in this country has, I believe, a global impact today, or whatever happens globally has an impact on Canada. The days of isolation are gone, but we would be led to isolation if we do not watch some of the bills that we are putting through.

The Chair: Thank you very much for participation before the committee today. I very much appreciate your sharing your presentation with us. If there is any additional information, please feel free to communicate with us in writing.

Mr McClelland: Madam Chair, I respectfully request a five-minute recess.

The Chair: As we have five minutes until our next presentation, we will recess for five minutes.

The committee recessed at 1117.

1130

PAPER AND PAPERBOARD PACKAGING ENVIRONMENTAL COUNCIL

The Chair: Come forward. You have 20 minutes for your presentation. We would appreciate it if you would leave a few minutes for questions. Please begin now.

Mr Mullinder: I am John Mullinder, executive director of the Paper and Paperboard Packaging Environmental Council. We are a national umbrella group for producers and converters of paper-based packaging.

The packaging mills produce rolls and sheets which are then sold to converters to be made into containers and cases, bags, boxes and cartons. Industrial waste from this process is fed back to the recycling mills for repulping and converting into new recycled packaging. This industrial recycling has been going on for decades so that today our membership can claim an average recycled content for the domestic market of 46%. That is way higher than any other major packaging material types.

The principle items we are talking about are:

1. Containerboard: essentially industrial containers to ship product. Householders know it as the container your fridge or VCR comes in.

2. Boxboard: a lighter-weight carton commonly seen in the home in the form of cereal and detergent boxes.

3. Kraft paper packaging: your grocery bag or industrial sack.

PPEC represents 116 member companies across Canada with packaging sales in the \$2.7 billion range. Some 15,000 people are employed directly in the industry. Many thousands more rely on the industry's continuing existence, such as suppliers of machinery, chemicals, inks, coatings, adhesives and so on, not to mention its clients, principally food and beverage companies, for getting their product to the market.

PPEC is just over one year old. It is recognized by the federal government and is represented on the National Packaging Task Force. It is represented on the policy committee of the Recycling Council of Ontario and chairs the boxboard task group, a subcommittee of Ontario Multi-Material Recycling Inc, on OMMRI.

In the 12 or so months of PPEC's existence, it has undertaken experimental trials to recycle boxboard collected from households in a pilot project in southern Ontario. It has instigated the development of new glue and wax formulations to remove technical obstacles to recyclability. We are leading the world in this area. It has helped to develop new markets for post-household boxboards. Again, we are the first in the world to put household boxboard back into new boxboard. We have launched two compost projects, both world firsts, on boxboard and waxed corrugated containers. We have begun to assemble the best industry statistics available. We staged a two-day multistakeholder meeting of government and environmental groups to focus on the key issues and to recommend solutions to them. We have set up a committee to look at amending a regulation that requires Canadian packages to use more fibre than their American counterparts. We have established another task group to investigate the feasibility of converting paperboard waste into heating oil or an alternative motor fuel, ethanol, which carries the federal government's EcoLogo.

This is an organization, then, that is very proactive, open and determined to find practical solutions to the challenge of municipal solid waste.

You would think that an organization such as this, representing a significant portion of Ontario industry and its municipal solid waste, and a member of the National Packaging Task Force, would be consulted on Bill 143. Sadly, it was not. The bill was introduced just as the waste reduction office's Initiative Paper No 1 was at last becoming available, and that too had a very short consultation period.

There are very broad powers in this bill. Subsection 15(1) says "The minister may establish policies for the purposes of" operating waste disposal sites; no provision there for public consultation.

What are the products in sections 29 and 30 that pose "waste management problems"? Who decides what is a waste management problem? Is there any public input?

You could drive a bulldozer through subsection 33(9). This is the clause that requires or authorizes the placement of a notice or mark on products, containers or packaging to

indicate "such matters of waste management or environmental concern as are specified in the regulation."

Is this an attempt by Ontario to bring Germany's controversial green dot system in by the back door, where all packaging is thrown back to the food manufacturer or the supplier? Does Ontario see itself as the Germany of North America? There has been absolutely no consultation on this matter, no discussion of the pros and cons, and no consideration that we are aware of given to the trade implications of such a measure on other provinces or on our competitors south of the border. It may contravene the free trade agreement and GATT. Which leads to our second point.

There is no indication of the ministry having done a cost-benefit analysis of the impact these regulations will have on the viability and competitiveness of existing business. If one has been done, then why on earth not make it public and let's discuss it. We need to know these things. We need to know the possible impact regulations might have on our operations.

Our industry is in dire straits at the moment. Just about every major packaging mill in the country is up for sale. We have very real concerns that excessive bureaucratic red tape will strangle businesses already on the ropes, that layoffs and closures will continue and that the industry's recycling capacity, or diversion from landfill, will be greatly diminished as a result. The impact of layoffs and closures flows to suppliers of inks, waxes, coatings, and adhesives. If a cost-benefit analysis has been done—and it should have been—what is the problem with making it public? Let's see it.

PPEC is greatly concerned about legislation which creates an even more lopsided playing field. We appreciate that Ontario's area of jurisdiction is the province of Ontario. The reality is, however, that paper fibre travels across provincial and national boundaries every day, in all directions.

The bill makes no allowance for the significant amount of imported product which ends up in Ontario's solid waste stream. PPEC figures indicate raw material imports of paper-based packaging amount to 20% overall and this does not include pre-packaged goods coming into the country. The Grocery Products Manufacturers of Canada estimates that these represent a further 30% to 35% of the Canadian market. Closer to home, how is Ontario possibly going to control imports from, say, Quebec?

To not target importers or their distributors, while at the same time asking Ontario companies to add time, resources and capital to their waste reduction efforts, is to put Ontario businesses at further economic risk at a time when their very survival is at stake.

The council's fourth area of concern relates to the appearance that Ontario is jumping the gun on legislation and thereby subverting the national packaging protocol or napp. The protocol is a nationwide voluntary agreement to try to achieve milestone targets in solid waste reduction. Progress towards these voluntary initiatives is to be monitored and only if the targets are not met is legislation to be introduced.

Ontario's legislation is thus premature, since Napp's first target date is December 1992. Not only that, it raises

the spectre of each province going its own way, a nightmare for industry and, we suspect, for interprovincial trade. We want packaging policies to be consistent nationally and that is why we support Napp.

The environmental impact of packaging extends beyond the effect of its disposal. Quantity of waste is not the only issue. The first step, according to Napp's policy 1, is to establish environmental profiles, life-cycle analyses. Then, based on these profiles, "industry will prepare action plans and schedules to minimize environmental impacts and manage packaging through source reduction, reuse and recycling approaches." The chronology is very clear: establish the profiles, then prepare action plans.

In conclusion, we feel the ministry put the cart before the horse, that there was a serious lack of consultation before this bill was introduced and that its very broad powers have been insufficiently defined and thought through. There is no indication of the ministry having done a cost-benefit analysis of the impact these regulations will have on the viability and competitiveness of existing Ontario businesses. If it has, let's see it.

We are greatly concerned about regulations that put Ontario businesses at a disadvantage vis-à-vis importers, again, counter to a Napp policy. We feel the Ontario approach, while well intentioned in some respects, is subverting the Napp process of progress on a nationwide, consistent basis.

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Mr Wiseman: My question has to do with a comment you make on page 3 of your brief that says, "It may contravene the FTA and GATT." This comment implies that we have negotiated away our environmental sovereignty and that we do not have the control and right to perhaps implement environmentally sound policies if other jurisdictions feel that is unacceptable. I am just wondering why it is then and how you would rationalize the German green dot system and whether that violates GATT, whether the California clean air standards violate the FTA and how Massachusetts can institute a graduated tax on packaging if you are suggesting that some of these violate the free trade agreement?

Mr Mullinder: The problem arises because each jurisdiction is trying to leap-frog over the previous jurisdiction and progressively seek more and more restrictive targets. You have the situation in the United States, if we just take newsprint for example, where individual states are leap-frogging over each other for political purposes rather than trying to get a national standard, which is what we are trying to do through NAPP, the national packaging protocol, for Canada. If each province goes its own way, then we are in real big trouble.

Mr Wiseman: You did not answer my—

The Chair: Thank you, Mr Wiseman. Mr McClelland?

Mr McClelland: It is interesting, sir, that you ask for a cost-benefit analysis. I want to inform you that I asked for that as well on January 23 and we received some answers to the questions this committee has put in the first two weeks. We have received less than half of the answers and predictably the question you pose was one of the majority of questions that was not answered. I suspect it is be-

cause government has not in fact done that. I think you hit the nub of the issue. The government is looking at this politically and ideologically and not practically in any sense.

We have a great difference of opinion here, where the minister on the one hand says she wants to work cooperatively with other ministers of the environment across the country and at the same time says, "Watch me; I will be the leader," and then subsequently says, "Watch us; our government will be the leader. Watch me again, because I'm going to show the way." That is the difficulty; mixed messages are there. On the one hand, the government is saying, "We want to cooperate." On the other hand, they are saying, "We don't want to cooperate." Then the assurances you get are: "Trust me. We'll play ball." Again, it seems to be the attitude of the government that this is sufficient for industry to proceed in this country or in this province.

I notice that you say there was little or no consultation. I think you used that word four or five times in your brief. It is interesting that one of the members opposite said earlier on, in the first two weeks, "There was consultation because we say there was consultation." Virtually every group that has come in here, every association, every municipality says, "We weren't consulted."

I wonder if you might want to comment in terms of your association and the businesses you represent. How do you feel about the fact that the government seems to be on the one hand saying it wants to play ball with you and on the other hand is effectively shutting you out of the process? It is vital, the impact and the potential impact of part IV. I would like your comments, sir.

Mr Mullinder: I would like to add that there has certainly been consultation after the introduction of Bill 143. We are dealing with the waste reduction office on a regular basis, but all this could have been avoided if there had been consultation prior to the introduction.

Mr McClelland: It seems to me that the definition of consultation here—

The Chair: Thank you, Mr McClelland. Mrs Marland, you have the floor.

Mrs Marland: It is really interesting to hear your presentation because really what you are describing is that if Ontario goes ahead, it is rather like a pristine, clean boat that is operating and manoeuvring in a totally polluted swamp. The outcome: It does not accomplish anything, is what you are saying. If all the rules were the same at the same time, then it could work, but to come down with this heavy hammer—none of us would disagree with the intent, but if it is totally impractical and also unjust, it is never going to work anyway. That is really what you are saying in terms of the national committee trying to do something gradually. We have been a long time getting to this terrible situation we are in and we cannot remedy it overnight, but if we start and turn around gradually in an equitable and fair procedure, there is a possibility we can all succeed in protecting the environment by reducing something that has gotten ahead of us.

Mr Mullinder: Nobody is against waste audits and action plans, and I want to emphasize that point. We believe you have to know what you have so you can do something about it and we are working to do that. But we feel it should be done through the national organization, the national packaging protocol. Ontario cannot go it alone. The market does not work that way.

Mrs Marland: I asked one of the presenters earlier this morning about the point you raised in your presentation, that if they are not going to target the importers and their distributors, the whole exercise is useless anyway.

Mr Mullinder: It is discriminatory because you are putting something on the backs of Ontario business and everybody else is getting off scot-free.

Mrs Marland: That is right.

The Chair: Thank you very much for your presentation before the committee this morning. A question for the record, Mr Wiseman.

Mr Wiseman: Yes, I have a question. It relates back to my other question which was not answered. What specific sections of the free trade agreement and the GATT have taken away Canadian sovereign power to clean up and mandate a cleaner environment?

Mrs Mathysen: I wonder if the presenter is aware that these new regulations will apply to everything sold in Ontario.

Mrs Fawcett: There are about seven questions the presenter asked in his brief. I would like the ministry to provide answers for those, please.

Mrs Marland: I would like to know if any of the ministry staff had any discussions with the national packaging protocol group.

The Chair: The questions that have been directed to you will be made available to you by our clerk. If you are able to respond in writing, we would appreciate that. As I have said before, I know today is February 11, but if we receive anything in writing before February 14 it will become part of the public record. After that, it will be available for all members of the committee for their consideration.

SIMCOE COUNTY DISTRICT HEALTH UNIT

The Chair: I would like to call the next presentation. Simcoe County District Health Unit, please come forward. You have approximately 20 minutes for your presentation and we would appreciate it if you would leave a few minutes for questions from committee members.

Dr Ewing: I represent the Simcoe County District Health Unit where I am associate medical officer of health. The role of public health in environmental issues is entrenched in the public health goals outlined by the Ministry of Health in Mandatory Health Programs and Services Guidelines, April 1989.

The Chair: That document looks very familiar to me.

Dr Ewing: Your name is on it. These guidelines describe the minimum standards for health unit programs. In these guidelines the public health goal for healthy environments is stated: The community will be a health-support-

ing environment in which people will be protected from adverse health consequences of exposure to toxic, hazardous substances and conditions in homes, public places and the workplace.

With regard to incineration of municipal solid waste, there are diverse facts and opinions. Semantics are used to gloss over the fact that basically resources are being burned. People use phrases like "energy from waste," "refuse-derived fuel," "thermal recycling," "resource recovery," and "the 4Rs," but we know it still boils down to burning our resources. Emotions run high on both sides, often due to frustration at not having one's views accepted or programs implemented. I see that the task before this committee on looking at municipal waste management in the 1990s and beyond is a formidable one.

I appreciate the Environment minister confirming the government's decision to ban all future municipal solid waste incinerators in Ontario, but I would like to reinforce that the public supports this ban and that this ban must continue.

1150

Incineration of municipal solid waste may have significant adverse effects on the environment and on health. These mostly relate to airborne emissions and from the solid residues. Airborne emissions from incinerators may contain heavy metals such as lead, solvents such as benzene, and complex hydrocarbons such as dioxins and furans. Although these hydrocarbons are destroyed by heat, they can reform as the gases cool down.

Current standards for emissions refer to the proportion of these toxins in the stack emissions and not to the total amounts. Over the course of a few years the total emissions may be significant, even though the concentrations may be small in the gas leaving the stack, just as 1% of \$1,000 is much more than 10% of \$10.

The material then accumulates downwind from the stack. It all comes down eventually. What about our soil and our water? Incinerator ash contains high concentrations of materials which do not burn, such as cadmium and lead. Metals are neither created nor destroyed in incineration. The health effects of lead, cadmium, mercury, arsenic, zinc, gallium and copper have all been studied. These should be considered not only in the design of an incinerator but also in the disposal of the resultant slag and fly ash.

There are several sources of uncertainty in estimating the possible adverse effects on health and on the environment from air emissions. Emissions can vary considerably over time, as the waste varies even from season to season. It is difficult to predict the composition of the stack emissions that may result from the burning, as high concentrations of certain plastics, for example, may result in surges in the emissions of combustible gases. Many of the existing data are not reliable, as they are based on tests of new facilities at their peak performance, typically under the scrutiny of highly trained personnel. Emissions are rarely tested under the full range of operating conditions that will be routinely encountered, including the temperature fluctuations that come with startup and shutdown. Data on the

changes due to poor maintenance or simply aging of the facility are not available.

The process of incineration generates a multitude of new compounds. Only a few of these are understood with regard to their composition and toxicological properties. A total containment of these toxins is not possible. There has not yet been a good epidemiologic study of the possible effects of waste incineration on human health and the environment. It would be extremely difficult to properly study the impact and I hope Ontario is not the laboratory where such an experiment will be carried out, given the likelihood of problems.

I do not intend to blow holes in the research done by the incineration industry, as engineers would be far better at that than I am. However, I would like to refer to this document entitled, "Municipal Waste-to-Energy Facilities Reduce Greenhouse Gas Emissions." I mention this because this document was used by a spokesperson for the industry as a credible source of facts. The data presented have nothing to do with the issue as to whether we should have waste-to-energy facilities in Ontario. This pseudo-scientific paper ignores the fact that in Ontario we increasingly reduce, recycle and compost. The data presented in this document state that the role of recycling in municipal solid waste disposal is small. This document may reflect the way things were in the United States in the 1980s but has nothing to do with the current situation in Ontario in the 1990s.

Important points missed in this paper are that not all our electricity is generated by coal-fired generating stations and we have other sources of electricity. The conclusions of the paper are simply not supported by fact. Reading this paper, one almost gets the impression they would have us believe that incinerators could actually purify our air.

Supporters of incineration dearly love to tell us what is happening in Scandinavia or Germany or the US or Japan. Let me tell you a bit about that.

In the United States, the American Public Health Association, in a policy statement, notes the health risks of incineration. I have attached their policy for your information.

The German Medical Association, Munich region, representing 12,000 German doctors, considers "garbage incineration as troublesome waste management technique with regard to our objective of maintaining the health of the population." They give excellent evidence to support this argument. I have attached a translation of their resolution for your consideration.

I have travelled in Japan. There is no evidence that they are more aware of the link between the environment and health. Nowhere in Ontario will you find public booths where people can buy a few minutes of oxygen as they go about their business, as found in Japan. Let us not use Japan as a shining example of what we should do with our municipal solid waste. Pointing to the life expectancy in Japan shows a clear misunderstanding as to how figures related to life expectancy are derived and the impacts on health we now understand and quantify.

I will conclude this point with the example of Sweden. In Sweden, waste incineration is held responsible for in-

creased mercury in the environment. Certain freshwater fish accumulate mercury to such amounts that they cannot be used as foods without restricting intake.

Incineration also has a negative impact on other important environment conservation efforts. There is sufficient proof that incineration of municipal wastes reduces recycling measures. It is clear that incinerators are a massive disincentive for recycling where they are in place. Already in Ontario, paper collected in blue boxes has been diverted to an incinerator to keep it going. People should at least be made aware of the collection of used newspapers for this use when it is done under the guise of recycling. If someone wanted to build another energy-from-waste plant in London, Ontario, now, it could not be done.

In Indianapolis there is an incinerator, and there is less than one half of 1% recycling. People are told that it is too expensive to recycle, as they do not want to divert waste from incineration. In Savannah, Georgia, elected officials opposed the state bill requiring 25% recycling, as they need the trash to keep the incinerator going. Hudson Falls, New York, cannot get enough trash for its incinerator, as the community recycles. Therefore, their incinerator imports waste from elsewhere. The incinerator industry will now say that this incinerator is oversized, but the same industry advised that they should plan for growth in the first place.

In Ontario, what if the industry says to build for 50% of the waste, with 50% reduction by diversion to recycling, by reuse and by reduction? The future of waste management lies in examining what is left over. There will likely always be residue. However, if it is burned, there is no examination of the residue and the residue is not challenged. We have to continue to examine this residue. If material cannot be recycled, we will look at the design and correct the bad design work for the material. Anything that becomes waste has reduction potential.

If we allow an incinerator to be built, we tie our hands for 20 years, whereas we should continuously review what we put into the waste stream. One of the many problems of incinerators is that even with the best available technology, the industry can only build for what is in the waste stream now. Who could possibly predict what will be in the waste stream 10 years from now and what technology has to be in place to protect us from the adverse health effects of emissions at that time?

The industry argues the safety of incineration, just as tobacco manufacturers still argue the safety of cigarettes, but even if it were safe, it is not sensible. There is no good sense in destroying our resources if we want them to be available for our future.

As I noted at the beginning, the task before you is a formidable one of balancing opinions and interests. Decisions must not be based on emotion and unfounded statements. As a medical officer of health in Ontario, my responsibility is to provide the best analysis and advice on health matters I can for the public. Sometimes this puts us up against popular opinions or particular interests, but we must take that duty seriously. I hope my presentation proves helpful to the committee in its decisions.

Mrs Marland: I am particularly impressed with your presentation, Dr Ewing, because of the job you hold. You are not here from a political perspective or an industrial perspective. You cannot be accused of a NIMBY syndrome, because you are representing people in an area where an incinerator exists. I do not know whether the Orillia proposal comes under your health unit.

Dr Ewing: Yes, it does.

Mrs Marland: What I found particularly interesting was your reference to other countries. I have not been in Japan since 1970, but I remember 22 years ago people walking around; they either wore masks or often carried white cotton handkerchiefs and things that they held over their nose when they were outside their offices or their automobiles. When you come forward with the evidence of 12,000 doctors about the impact of incineration in Germany, why do you think it is we keep hearing that incinerators are okay? We hear they have had them in Europe and Germany for years; we hear about them, as you mention, in Sweden; we hear that it is okay to incinerate garbage in the United States. We continually hear this, yet I think when medical doctors speak on behalf of their population and their patients—how does it happen we continually hear that it is okay to incinerate garbage?

1200

Dr Ewing: I think we should talk to the people in those countries and find out whether it is okay.

Mrs Marland: Do you have any comment on incinerating—

The Chair: Thank you, Mrs Marland. We really do not have time for another question.

Mrs Marland: Okay.

Mr Wiseman: My question has to do with the Ogden Martin incineration attempt in Orillia and the opposition the doctors in Orillia had with respect to that. Could you tell the committee about that experience and what the doctors were concerned about?

Dr Ewing: I would rather not. I am a member of the Orillia Medical Society and there has been a threat of a lawsuit.

Mr Wiseman: Sorry?

Dr Ewing: There has been a threat of a lawsuit by Ogden Martin against the Orillia doctors. I would rather not discuss that.

Mr McClelland: I appreciate your input with respect to the issue of incineration. It is helpful. I hasten to add, though, just by way of comment, that this is not really the issue at hand. The issue is Bill 143. I appreciate your taking the opportunity to put your views forward and they will be helpful to this committee.

I would also say, with the greatest respect, that I hope we do not lose sight of the fact that what we are talking about is a comprehensive piece of legislation that is much more far-reaching than the particular issue you focused on and that the implications, I believe, of the bill itself are equally potentially dangerous as the very points you bring forward in terms of incineration. That is one of the issues people cannot lose sight of in terms of the discussions

here. On what you are saying in terms of incineration and the facts you bring to the table, one could flip a coin, if you will, and simply state that Bill 143 in its totality has the potential for grave consequences, as great as or greater than some of the things you laid before us today.

The Chair: Thank you, Mr McClelland. Mrs Mathysen, there is one minute remaining.

Mrs Mathysen: You talked about the incinerator in London, Ontario. I am particularly interested in that because it affects my riding to a great degree. Could you explain the situation there?

Dr Ewing: It is not economically viable, and certainly the standards with which it was built would not be acceptable today as far as the pollution and potential for environmental hazards that exist in that plant are concerned. As I mentioned, it has been a bit misleading for the public because materials collected in blue boxes have been incinerated in that plant.

Mrs Mathysen: Thank you. That is interesting.

Mrs Fawcett: If incineration was allowed as an option, do you believe that if it went through an environmental assessment, the facts truly would come out, and if it was a risk to the public, then it would be disallowed? In other words, do you believe an environmental assessment would work?

Dr Ewing: Yes, I do. I am not too sure I see the point of it, because although we should question dogma, it reaches a point that there is sufficient evidence to point out that it is too much of an environmental risk. If you were to suggest we put lead in gasoline again, I am sure it would not need to be studied.

Mr Wiseman: For the record, I find it puzzling that Ogden Martin would come before this committee and tell us ad nauseam how safe it is to live next to an incinerator. They even went as far as claiming that it was safer to live next to an incinerator than drink beer or herbal tea, yet they hide behind the courts to prevent responsible doctors from the community and the associated medical officers of health for the county where the incinerator was to be located from speaking freely before the very same legislative committee. I can only conclude they are afraid that what the doctors would have to say would show that living next to an incinerator is indeed riskier than drinking herbal tea. They clearly do not want this committee to get all the facts. My question to you is, have they made any attempt to rescind these legal gag orders against you or against any of the other medical practitioners of Orillia?

Dr Ewing: No.

Mrs Marland: For the record my question is, other than what you have referred to today as far as the health hazard is concerned, is the other point you have tried to make today that even if an incinerator goes through an environmental assessment, it is counterproductive to reducing and recycling and reusing because you need X volume of garbage to keep these incinerators fed and viable from a cost point of view?

The Chair: If there is additional information or you would like to answer the questions that have been posed by the members, please feel free to communicate with us in writing. We appreciate your coming before the committee today.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

The Chair: I would like to call our next presentation, the regional municipality of Ottawa-Carleton. Please come forward and begin your presentation by introducing yourselves. I see a few familiar faces. Welcome, and you have 20 minutes for your presentation.

Mr Denham: It is certainly a privilege to have the opportunity to meet with this committee today. I would like to introduce our speakers, the regional chair, Peter Clark; George Brown, the chair of our environmental policy committee; Ms Judy Wilson, our director of solid waste, and my name is Rich Denham. I am the commissioner of environmental services.

Before we get to our presentation, I would like to make a little analogy for you. As residents of Ontario, and particularly in the kind of weather we are having this week, we often get stuck in the snowbank, and when that happens, as Ontarians we know how to get out of that: We back up, go ahead, rock the car a bit, and soon we are moving ahead.

Right now, I would suggest we are stuck in the snowbank of environmental assessment. Particularly in Ottawa-Carleton, we have been rocking back and forth for some number of years now since the Halton and Meaford and North Simcoe decisions came out, but we are all stuck and we are all spinning our wheels because environmental assessment in Ontario does not work.

I would also suggest that we have some concerns because at this point in time it would appear that the minister's car—the minister responsible for the GTA—is also stuck. Our concern is that once the minister's car is out of the snowbank and she is able to make it to work on time, the tow trucks and the other emergency vehicles that have assisted that situation will leave the scene and the rest of us will be left to flounder in the blizzard of environmental assessment in Ontario.

In Ottawa-Carleton we are certainly familiar with the issues, the problems associated with both environmental assessment and solid waste in Ontario. As I mentioned a moment ago, we were stuck in the snowbank in 1990, when we discontinued our waste management master plan when it became obvious from the Halton decision that our planning process, as it was understood at that time, would not withstand the scrutiny of environmental assessment. We have faced a number of crisis situations since then when we found ourselves faced with Metro Toronto garbage being transported to Ottawa-Carleton and when we found the transportation of Kingston waste to Ottawa-Carleton, which manifests itself in a significant threat to the capacity of the landfill sites and disposal facilities in Ottawa-Carleton.

In our continuing efforts to get out of the snowbank, we have participated in many activities initiated by the government. We have participated in the effort to improve the environmental assessment process and have submitted documents to that effect. We have regional staff who are

involved in the waste reduction office and the initiatives that have been taken by that office. We have staff members who participate with the Association of Municipalities of Ontario and we have staff who are on the Waste Reduction Advisory Committee. Many of the initiatives that are taken by these various organizations we support completely, and we certainly support the waste reduction activities and initiatives indicated in this bill.

What we are presenting to you today is a report that was presented to our environmental services committee on February 3 and received the unanimous support of that committee, the environmental services committee being a standing committee of regional council.

Our submission contains two key points, the first one being that the Environmental Assessment Act does not work in the field of solid waste. We need a province-wide solution to what is a province-wide problem. Our second point is that the proposed section 29 under the Environmental Protection Act would make it impossible, I would suggest, to engage in good solid waste management and solid waste planning at the municipal level.

I am going to ask Ms Wilson to expand on those issues for me.

1210

Ms Wilson: I will divide my comments into two separate sections, first, those on environmental assessment, and second, on the intermunicipal transportation of waste.

I have watched with great interest on Channel 41 at my house the debate that has occurred over Bill 143. To some extent, to those of us outside the GTA, it looks very much like a site selection exercise elevated from the municipal level to the provincial level. Many of the comments have arisen in exactly those kinds of frameworks.

However, we would like to step back and ask whether this is good solid waste legislation for the province as a whole. We should say at the outset that the regional municipality of Ottawa-Carleton supports the fundamental premise that it is critical to assess the environmental impact of solid waste facilities. All too often it is interpreted that being critical of the Environmental Assessment Act means being critical of the need to assess impact. I do not think that is the case and that is certainly not our basis for comment today. It is the case, however, that the system which exists now is not working. It is inefficient, takes too long and is unpredictable. It is very much the case that at the end of 10 years mistakes made in the first months of the first year can cause significant problems.

It has been said in several circumstances, and I think it is worthy of repetition, that in Ontario we do not have a solid waste crisis; in Ontario we have an environmental assessment crisis. I think those are two very different comments.

I think Ontario needs as a solution a piece of solid waste legislation for the province as a whole. The government has begun this process and we see a number of initiatives in this comprehensive approach coming from the waste reduction office. I think Mr Clark will talk about that more specifically later.

We know of course from Halton-Peel, Meaford and North Simcoe what the inherent problems in the process are. One of the fundamental problems is that municipalities across the province are reinventing the wheel. We are all doing the same thing over and over again, because inherently solid waste facility site selection is like a class EA process. The only difference is that it happens to be more controversial, but the same kind of philosophy that goes into the class EA process can go into facility site selection in solid waste.

What we believe to be a solution to the solid waste issues in the Ottawa area and in Ontario is that the site selection exercise and the solid waste exercise must be province-wide and need a new piece of legislation. The only reason a crisis exists in landfill site selection is because the system designed to replace the capacity that is used is not working fast enough, otherwise there would not be a crisis.

On the issue of the intermunicipal transportation of waste, capacity is the fundamental tenet of planning. When we plan for the replacement of our landfill, we plan based on the capacity left and we govern ourselves accordingly. If the provincial government retains for itself a right to dramatically affect our planning process by affecting our capacity, it can make all efforts at planning virtually useless. It is critical that we have the opportunity both to plan for the future and to know when the future is here. If our capacity is affected by five years by another municipality's garbage, the future is not 10 years away for us; the future becomes four or three or two years away.

I also would like to raise the issue that we keep referring to the new section 29 of the Environmental Protection Act as an emergency section. I would simply like to say that in my view the language set out in that section is not emergency language; it is a much lower threshold than that.

In conclusion, as Mr Denham said, if there is a theme for us it is that it is a province-wide problem. It may be experienced sooner in the greater Toronto area, but it is a province-wide problem and we believe it needs a province-wide solution. Moving garbage across municipal boundaries may delay an impending crisis, but it does not solve the fundamental environmental assessment issue.

Mr Brown: You have heard from two of our senior staff in our department. I guess now it is time to hear from one senior politician and one not so senior. I am chair of the environmental services committee.

When staff originally brought this submission, the committee asked to go back and redo it to make it more emphatic, basically to clearly convey the message that Ottawa-Carleton does not accept a process that treats environmental assessment in the greater Toronto area differently from the rest of the province. It is as simple as that and it is not acceptable. The second point was raised of course that we do not accept that waste from other regions of this province can be imported into our region without any input from our region and without our concurrence.

We recognize there is a crisis in the greater Toronto area. There are crises across this province. Kingston comes to mind in particular. The way the environmental assess-

ment legislation is working now, even with our supposed 10-year time frame for the filling up of our landfill we are in a crisis. I will tell you that the way things are going it will take us 10 years to find another landfill under the present process.

We are making and have made a significant number of very difficult and expensive decisions concerning waste planning in our region. We discontinued, at a cost of about \$3 million, our waste plan because of the Halton decision. We banned leaf and yard waste from our landfills. We are about to embark on a comprehensive 3Rs study of the region instead of attacking it in a piecemeal fashion. I stand to be corrected, but I believe we have the most comprehensive waste composition study in this country, over \$500,000, as to getting into just what exactly our waste is made of. We are putting our money where our mouth is when it comes to planning. Our region, as Mr Denham and Ms Wilson have said, is actively involved in the whole solid waste planning process in this province and we would hope that our staff's efforts will contribute to a province-wide solution, not the bill which is before the committee which deals with the greater Toronto area.

We as municipalities in the Ottawa-Carleton region recognize that the Environmental Assessment Act is not working and we are looking for an overall piece of legislation that will regulate solid waste across the province. On the issue of importing waste, we are putting our money where our mouth is. We do accept significant tonnages from outside our regional boundaries in the Ottawa Valley because we want to be responsible and we want to work with our neighbours. We are also involved in waste diversion planning. We have put up \$500,000 a year for the next three years for short-term initiatives such as special projects and composting in the industrial, commercial and institutional sector.

We are working on this. We are planning. We see this 10-year deadline approaching and we know we do not have a lot of time, but if Bill 143 goes through and the minister is allowed to direct waste wherever she feels it is necessary, our planning, all these initiatives, are thrown out the window. That is not something we feel is responsible and in the best interests of the citizens of Ottawa-Carleton and indeed across the province. We would like a provincial piece of legislation that deals with the provincial problem.

Mr Clark: The region is committed to the principle of evaluating impact on any new solid waste facility in terms of its effect on the environment. I am not trying to duck it; in fact, what this legislation does is duck it. This legislation has the possibility, if you will, of taking away all the incentives for recycling and reduction, because if we have a problem we just dump it upward, on the province. We can just fill our dumps. It does not matter, because it will be a provincial problem. I am sorry but I do not really think that is responsible. The region believes this can be done, as far as environmental assessment for solid waste is concerned, in a very efficient and cost-effective manner. We do not believe it has to take 10 years to complete and have no certainty of a result even after 10 years.

1220

We have in the past offered a fair number of constructive solutions, through various municipalities within the region, AMO, staff and the regional chairs of Ontario. We have been continually asking for a generic set of landfill criteria. We think the criteria for landfill site selection should be established immediately so that municipalities across the province will have a rule book with respect to this issue. We think generic guidelines are also appropriate for methods for evaluating social impact. We believe firm guidelines as to the quantity and quality of public participation required can and must be established now. We believe an overall generic approach to the issue of extensions and expansion versus greenfield sites must be established.

All these requirements must be set out in legislation which binds the Environmental Assessment Board. Responsibility for solid waste at the provincial level is now divided between the waste reduction office and the environmental assessment branch. That is a wonderful division except that now we get into bureaucratic turf wars. This division is causing artificial barriers to be placed between the waste management master-planning, which is a mandatory requirement for all municipalities in Ontario—lots of them right now are becoming very concerned—and environmental assessment, which we all feel is socially beneficial and necessary. We have to remove the barriers by incorporating all the solid waste planning and site selection issues in one comprehensive piece of legislation.

The solid waste planning exercise and site selection exercise should not be an all-or-nothing crapshoot where you spend years—believe me, this is not the first; we have had at least two different waste plan initiatives that have gone south, if you wish, in Ottawa-Carleton. We have watched with some horror the Halton exercise. Essentially any system that now puts us into a situation where we cannot have any fine feeling of what the outcome is is just going to spend millions more of taxpayers' money when obviously there are better uses for that money. A system of interim approval has to be set up. It is not impossible to evaluate the impact of new solid waste facilities. It can be done in a pretty cost-effective and efficient way. The current initiatives papers, for example, from the waste reduction office and The Ministry of Municipal Affairs can form the nucleus for this overall piece of legislation we are talking about.

There has been some good work done. Can we not build on that good work and get a meaningful piece of legislation, rather than this ad hocery we are looking at with Bill 143? The initiatives papers can lead to some success in this field, but only if we bring in the environmental assessment issues. I think that with the right will-power the government can do it. We know already the system is not working. We know that. It is not working in Toronto. That is why we have this act in front of us. The problem is not just in Toronto; the problem is in Lanark county, the problem is in Simcoe, the problem is in Kingston, the problem is all over the place.

If you are going to have the provincial government providing provincial leadership and legislation in this area, then you must deal with province-wide solutions, which

Bill 143 does not allow us. We are very concerned that Bill 143 gets somebody off the hook right away and does not solve the problem for the province. That is why we are here today. That is why George and I are here especially, to try to give you some feeling for the force of the argument we would like to make and the concern we have. We believe we can do things positive in solid waste planning in this province and we need your help.

The Chair: The time available has expired. However, there are a number of members who would like to place questions on the record. The deputation can respond in writing at a future time.

Mr Clark: Certainly.

The Chair: I have Mr Martin. First question only, please. We are out of time.

Mr Martin: It is going to be hard. That was a good presentation and I want to thank you for painting so clearly the picture of the devastation that is out there re the whole question of—

The Chair: Thank you, Mr Martin. Mrs Mathysen.

Mr Martin: Can I ask a question?

The Chair: A question.

Mr Martin: It is a difficult challenge we inherited from the past government. Do you not think it takes some strong leadership in front of this to actually clear it up before we can move ahead on a provincial basis?

Mrs Mathysen: You mentioned problems with the Environment Assessment Act. There are plans in the ministry to improve it. Two discussion papers are coming out in the next two months regarding powers and management so that it can be a better act. This has been discussed at AMO. Have you been part of that discussion in terms of how we can help municipalities to improve waste management?

Ms Haec: My question relates to page 5 of your presentation, where you talk about emergency powers. You obviously have some concerns around that. In light of your comments, what would you do to provide for emergencies?

Mr Cousins: First of all, it was an excellent presentation. On the Environmental Assessment Act, do you have any specific ideas of things we can be doing on it? It is a big subject. Do you have any specific suggestions? It is certainly a direction I would like to see taken.

Mr Chiarelli: It was an excellent presentation which I intend to use when this is debated in the Legislature. You talked about ad hocery and a hodgepodge of legislation. What do you think will be the results down the road if this legislation goes ahead with legislation for Ottawa-Carleton, legislation for Kirkland Lake, separate legislation for Metropolitan Toronto?

Mr Grandmaitre: I know that Bill 143 has been quite a problem, especially for Ottawa-Carleton. If Bill 143 passes through the Legislature as is, what will be the next step for Ottawa-Carleton?

The Chair: There are two minutes remaining for you to either try and answer the questions or sum up. If there is additional information you would like to share with the

committee, you can do so in writing over the course of our deliberations. Who would like to sum up?

Ms Wilson: I think there are very real improvements to the Environmental Assessment Act that can come forth. First, I think we can carve out solid waste as a unique area that can have its own piece of legislation; second, generic guidelines with respect to hydrogeology, natural attenuation, public participation and social impact that provide at least some basic level of analysis; third, some guidelines with respect to public participation, format etc; fourth, some sequence of events, and finally and most critically, a system of interim approval so that the plans are given a blessing as they go along, not in the last analysis.

The Chair: Thank you very much for your presentation and your participation before the committee today. We

appreciate you coming. I know you realize that if there is additional information you think would be helpful to us, you can communicate with us through our clerk. I will say once again, as I have said before, that anything we receive in writing from you or from anyone watching these proceedings, if we receive it before February 14, will become part of the public record. After that it will be made available for members of the committee for their deliberations. Further, Hansards, full-record recordings of the events of this committee, are available through Publications Ontario at 880 Bay Street.

The Chair: The committee stands in recess until 2 o'clock this afternoon.

The committee recessed at 1230.

AFTERNOON SITTING

The committee resumed at 1403.

CANADIAN HARDWARE AND HOUSEWARES
MANUFACTURERS ASSOCIATION

The Chair: The standing committee on social development is now in session. I would like to call in our first presentation, from the Canadian Hardware and Housewares Manufacturers Association. Please come forward and introduce yourselves to the committee. You have 20 minutes for your presentation. We would appreciate it if you would leave a few minutes for questions. Please begin now.

Mr Homer: Ladies and gentlemen, on behalf of the Canadian Hardware and Housewares Manufacturers Association, I would like to thank you for this opportunity to speak to Bill 143. My name is Chuck Homer and I am president of the Canadian Hardware and Housewares Manufacturers Association. I am also president of Lepage's Ltd, based in Brampton, a manufacturer of a wide variety of adhesives and home improvement products. With me today is Jim Gillies, chairman of our environmental committee at the manufacturers' association, and Larry Dworkin, a government affairs consultant to the association.

The association is comprised of 265 manufacturers and distributors of hardware and housewares products across Canada. It is primarily located in Ontario and it generates annual sales of \$5.5 billion and employs about 25,000 people.

Our members are committed to reducing solid waste generation in Canada. To that end, we have endorsed the principles of the national packaging protocol and the accompanying code of preferred packaging practices. One important step in this process, which Jim will touch on a bit later, is the creation of an industry liaison committee where manufacturers, wholesalers and retailers work together to solve these problems. This organization brings together these levels of the industry and it seeks solutions to the environmental problems, and specifically we are focusing primarily on the reduction of solid waste.

Jim is going to outline a bit later some of the concrete actions being taken by our members to achieve the protocol's goals through the 3Rs of reduce, reuse and recycle. It is worth noting that these are voluntary initiatives and they are a result of the industry's commitment to the protocol, to which Ontario is a party. It also reflects the trust developed over the past few years between industry and other stakeholders towards a process based on voluntary cooperation.

Not only does our industry feel that Ontario's regulatory steps are premature, they also break the trust provided to industry and other stakeholders as signatories to the protocol. I want to stress that Ontario signed that protocol and was a participant in the development of it. We recommend that the province abandon the regulatory measures proposed unless and until it can clearly demonstrate the industry is not meeting its voluntary obligations.

In addition, by not harmonizing the province's actions with those of the rest of Canada, industry now faces the

risk of each province introducing separate regulatory agendas. This then would provide Canadian manufacturers with a balkanized market in which they have to sell their products. It could lead to companies having to produce separate packages for each province, and this would lead to severe additional costs and ultimately economic chaos.

We are also concerned that the cost burden to implement the province's initiative falls squarely on Ontario-based firms. Goods imported into Ontario from other provinces or other countries are not captured under these regulations. This further tips the competitive balance away from Ontario manufacturers. The ministry has made no provision to address the above problem and the resulting net business loss by Ontario manufacturers.

We also have concerns with clause 136(6)(f) of the bill, dealing with required environmental notices or labelling. This could be seen as a tariff barrier by other countries and will potentially result in retaliatory action against Canadian goods.

We want to stress that there are other costs manufacturers must bear from the environmental initiative. We are finding, for example, that within our factory, material sorting costs are having a negative impact on our competitiveness. Jim will also talk about a specific instance of this among some firms. Nevertheless, the firms within our association are doing the sorting and we are prepared to undertake that cost to assist with the solid waste reduction.

We believe, therefore, that it is reasonable to request that the minister provide for a cost-benefit analysis of her proposed regulations and potential impacts on the industry's competitive position under the free trade agreement and GATT rules.

Our industry looks forward to furthering the trust partnership created with the Canadian Council of Ministers of the Environment under the national packaging protocol. We therefore ask the minister to give serious consideration to our comments before proceeding with this bill. Specifically, we are asking that you abandon the regulatory measures until there is evidence that the voluntary process is not working and that the industry is not meeting its obligations. Furthermore, we suggest that it would be prudent to undertake a cost-benefit analysis of proposed regulations in concert with industry prior to the establishment of any regulations.

I would now like to call upon Jim Gillies.

Mr Gillies: Good afternoon. I am not only the chairman of the industry association but senior vice-president of Newell Industries Inc, a major supplier of hardware and housewares to North America.

Our industry association is unique in that we consult with our retail partners. Our industry liaison committee has been established to get our customers' opinion on high-profile subjects such as the environment. The committee is examining a number of problems and opportunities dealing with the development of environmentally sensitive packaging.

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We are examining the use of blister packaging and whether its elimination will result in a substantive increase in theft at the retail level. I would also add here that use of blister packaging to some manufacturers in our industry is necessary to get sufficient space on the packaging to meet other government regulations, those being safety and warning hazards, bilinguality and metrication. We are examining reusable packaging where a customer can return the package to be refilled with the same product, as well as standards for recycled container content for items such as motor oil, windshield washer and other fluids.

The nature of our retail trade is such that a few retailers account for 75% of our total business. The influence of these major chains in determining the type of the product which will come to market cannot be understated.

As you may be aware, the Canadian Tire organization has been taking a strong leadership role in reducing solid waste, especially in the packaging it sells. It is conducting an audit of the items it sells as to whether they can be improved from an environmental perspective weighed against the realities of the market environment. As a result, CTC is working with its suppliers to meet these new specifications. Other major retailers in our industry are starting to follow Canadian Tire's example, which in turn will have a major impact in bringing more environmentally sensitive products to the market.

In addition, the CHHMA has sponsored a number of environmental seminars for its members on the how to's of undertaking audits, work plans and implementation of programs. It also circulates similar information to its members through numerous ongoing newsletters and other vehicles.

Some of the initiatives taken by our industry by company are as follows:

Lepage's Ltd recently introduced a refillable, child-safe glue container for use in classrooms. This new technology will divert the disposal of these containers, which previously were sent to landfill. In addition, the company has also diverted 77 metric tonnes of packaging waste which previously went to landfill.

Remington power tools, which had previously been housed in a clamshell-blister card, are now being packaged in recyclable corrugated boxing.

Numerous companies are now packaging motor oil and windshield washer in containers within a minimum 50% recycled plastic.

Regal Ware Canada Inc is now recycling all of its corrugated, stainless steel and aluminum scrap, which previously went to landfill. In addition, about 50% of its packaging is now in material which is being collected for recycling.

Similarly, the Newell Window Furnishings plant in Prescott, Ontario, has reduced landfill shipments of its monthly solid waste material from eight 40-cubic-foot containers to one 40-cubic-foot container. One of the company's biggest problems is that the cost of hand-separating material at the plant is impacting on its competitiveness. This company also has a major problem in arranging for material to be picked up, as major regrind and recycling operations are in the Toronto area.

By working with their customers, the cap and closure division of Anchor Hocking has implemented a tote system that has reduced its need for corrugated shipping boxes and reduced its annual corrugated consumption by 112 tonnes.

Stanley Acmetrack Ltd has reduced by 70% the amount of packaging to ship its retail mirror doors. The company, which has an environmental monitoring committee, is also separating and recycling its packaging.

Rubbermaid Canada Inc conducts monthly audits of its waste, most of which is sent for post-process regrind and post-consumer regrind. In addition, it has developed a line of products which specifically uses post-consumer regrind and in 1992 will be eliminating the use of blister cards. Most of the company's products use only a label directly attached to the product.

SEB Canada Inc, which has instituted an in-house recycling program this past year, has substituted foam inserts with recycled cardboard. This has reduced packaging going to landfill by about 25%. The company collects about 25 tonnes of cardboard packaging annually, which it now recycles. It is also studying ways to recycle plastic, aluminum and stainless steel in appliances.

A similar program is under way at Teledyne Water Pik Canada, which has arranged for all corrugated and wood pallets to be recycled, as well as all foam packaging. In addition, some of its corrugated shipping containers are being used by suppliers.

Pyrene Fire Security is also using recycled paper for all instruction sheets, as well as directly printing on corrugated shelf cartons, which reduces packaging by 20% through the elimination of labels.

Canadian Thermos Products Inc has diverted 146 tonnes of its waste through a recycling effort.

These are only some of the examples of the initiatives taken by members of the CHHMA. These voluntary initiatives are to a large extent a result of our industry's commitment to the protocol. It also reflects the trust developed over the past few years between industry and other stakeholders towards a process based on voluntary cooperation.

I would like to be very candid with this hearing. The company I work for, Newell Industries Inc, is a Canadian subsidiary of a large US corporation that manufactures hardware, housewares, office products, and closures for food products. About two years ago we developed a North American strategy based on, where can we get the lowest production costs? The study caused us to close five plants in Ontario. We now have three plants operating in Ontario. Our US parent is committed to be the low-cost producer in North America. More regulations, more taxation and higher labour costs will drive the three remaining plants out of Ontario. Our US parent loses patience with legislators who are committed to make laws where laws are not required.

My company and our industry association would like to work with government on a voluntary basis to explore various methods of reducing solid waste going to landfill.

A user-pay garbage system is working well in other jurisdictions. This system establishes a chain of responsibilities. The consumer, realizing the cost, puts less packaging

out each week for collection. The retailer, on consumer demand, sells products with less packaging. The manufacturer, on retail demand, has little resistance to reducing packaging on products it sells. The further benefit of a user-pay system would be the sale of garbage to a separator—a job-creating industry—to separate and sell the garbage collected. The benefits of this system are well documented.

Other jurisdictions are using so-called high-tech incineration with excellent results. These methods, and others, should not merely be studied but copied by Ontario in a positive step to reduce solid waste going to landfill.

It has been our experience that 32% of the consumers who say in interviews that they are willing to purchase environmentally friendly items do not, especially when price is marginally higher. Almost all of them buy solely on price.

We recommend that a massive consumer education program be taken by industry and government to help consumers focus on this subject.

Our industry looks forward to furthering the trust and partnership created with the Canadian Council of Ministers of the Environment under the protocol. We ask the minister to give serious consideration to our comments before proceeding on this matter.

The Chair: Thank you very much for your presentation.

Mrs Mathysen: I thank you for your presentation. One thing that concerns me is something that has appeared several times in the course of the hearings today, and that is what I think is misinformation. You are talking about the provinces not harmonizing on their packaging regulations and you also talk about goods imported not having to meet the same requirement as Ontario manufacturers. Are you aware that the packaging regulations will cover all goods sold in Ontario, not just those manufactured here, and, second, that the National Packaging Task Force is meeting on Thursday and Friday of this week to ensure a national standard, so that there is not this disharmony that you are concerned about?

Mr Dworkin: I wonder if I can respond. My name is Larry Dworkin and I happen to be a member of the National Packaging Task Force and I have been there since its inception.

The problem that we are putting forward, first of all, is that manufacturers outside of the jurisdiction of Ontario cannot be regulated by an Ontario law, period. If I am a manufacturer in Kentucky and I am shipping goods to Ontario, the province has absolutely no right to ask me to undertake an audit, to undertake a work plan, or the costs associated with them. You should know that the costs associated with some of these work plans go anywhere up to \$500,000, depending upon the size of the company and the number of products which must be manufactured.

The other thing to look at and to be considered, that the National Packaging Task Force is having its lawyers look at right now, is whether or not the proposed regulations are in harmony with the free trade agreement and with the GATT. There is some concern right now, for example, that

some of those laws may contravene the intent and spirit of those two agreements.

1420

Mr Cousens: Excellent presentation. There are a couple of points to highlight. Mr Homer, in your presentation you asked for a cost-benefit analysis of the proposed regulations of the ministry. I think that is one of the questions that we have asked for earlier, just so you know that we are looking for that one too, because that is a very practical consideration.

I also liked your sense of delaying implementation of the regulations and allowing industry to try to work things through, and if you could not, then to have the government make its impositions if it had to. To that end, I think that people in industry—you had better take a message back to your people—are not doing a good job in telling people when they are working as hard as you point out they are right here, in cutting back on their packaging.

I think it is an impressive story when you see what LePage's is trying to do, Regal Ware, Newell Window Furnishings, Stanley Acmetrack. It is happening. You are making an effort. I think industry—if you can take any message back from this member—is trying, but you are doing a terrible job in explaining to the world out there that you are trying as hard as you are. I have this sense in all your presentations. But the reason you are going to start having the regulations brought in by the socialist government in Ontario is that I do not think it understands just how hard people are working towards this. Maybe there is just a sense in which you should tell us a little bit more frequently and often.

Mr Homer: I appreciate the comment. However, the effort our industry has been undertaking is directed towards the requirements of the national packaging protocol. As you know, 1992 is the year in which the first measurement occurs. The effort has really been to do the job in terms of what we accomplish by 1992, and that is a quantitative calculation. But certainly the thought about talking about individual actions is important and it is noted and appreciated.

Mr Gillies: I would also like to add, if I could, the inaccessibility of Ruth Grier's office through this whole thing. We have tried on numerous occasions to let the minister know some of the things that were happening and we have in fact not been able to; she has refused.

Mrs Marland: We understand that.

The Chair: Thank you, Mr Cousens. Mr McClelland.

Mr Cousens: I just want to say in closing that it is just a very excellent presentation. I also have been—

The Chair: Thank you, Mr Cousens. You no longer have the floor. Mr McClelland.

Mr Cousens: I only had it for a minute. I was just—

The Chair: I am going to have to deduct the time. Mr McClelland.

Mr McClelland: I simply want to reiterate what Mr Cousens said, that we indeed asked for a cost-benefit analysis on January 23. The government apparently is not prepared to provide that. I presume it is because in fact one

has not been done. I share your concern in terms of accessibility, as alluded to by a comment from one of my colleagues as well. Indeed, a vast number of people who have come and presented before us has said there had been no consultation prior to enactment of Bill 143.

Quite frankly, and I will be very candid with this, you saw evidence of that in terms of the exchange that took place earlier. If somebody who is presuming to tell you how your industry runs, presuming to tell you that you do not understand your industry—because it is the government that has said: “We don’t want to listen. You know the rules.” You stated very clearly here, it broke the trust provided by the industry. We have had ratepayers come here and say that there has been a trust violated by this government.

This government has called into the question the integrity of government across the board in terms of the initiatives that have been taken by Bill 143. Again I say very candidly that you are the first industry group that has come forward and said it in that direct language, although many groups have hinted at it and used much more, I would use the word “soft” language in saying the same message.

Mr Dworkin, I wonder if you could explain further the impact—maybe our friends in government will understand in terms of what you are talking about—of the national packaging protocol on jobs. What this government needs to do is not pretend to listen, but in fact listen to what industry is saying.

Mr Dworkin: I will make this short, if I could, Madam Chairman. This must not be taken in isolation. When we look at any bill or any regulation coming in from government, it must be measured against other things that are happening. For example, Ontario, whether we like to admit it or not, has the highest business and corporate taxes anywhere in North America. When you add this cost on top of that, you add it on top of, say, the wage rates we are already paying in Ontario, you add it on to such things as maybe the impact of the Labour Relations Act reform.

If somebody is an owner of a major multinational chain of companies in the United States and is looking at what is happening in Canada, the impression they get is that Ontario may not be a friendly place to do business. I think in terms of perceived cost as opposed to maybe what might be even the real cost, there is a perception that this is not a friendly place to do business.

We want to change that. In fact, we want to work with government at changing those perceptions. Quite honestly, it would help.

Mr McClelland: If they would talk to you, though.

Mr Dworkin: Yes.

The Chair: Thank you for your presentation. We appreciate you coming before the committee today. Did you want to put a question on the record, Mr Wiseman?

Mr Wiseman: Yes, I would. The first thing, David—

The Chair: We are out of time.

Mr Wiseman: I am going to be quick.

The Chair: Good.

Mr Wiseman: Are you aware of the packaging legislation in Manitoba, and if so, have you done a comparison of that legislation?

Mr Dworkin: Not only am I—

The Chair: I am sorry.

Mr Wiseman: You just have to write to me.

Mr Dworkin: Okay.

The Chair: Excuse me, please.

Mr Wiseman: I am not finished. I have two more.

The second is, I would like to know what sections of the free trade agreement and the GATT you feel have terminated the sovereignty of Ontario and Canada to make decisions.

I would also like an analysis, if you have it, of the tax on packaging in Massachusetts and the effect it is going to have, and the regulations that California is putting into place in terms of its markets and what that would mean in terms of packaging and having that market available to you.

The Chair: A quick question, Mrs Mathysen.

Mrs Mathysen: Does your concern about the free trade agreement confirm the environmentalists’ fears that the free trade agreement fuels the race downward in terms of a jurisdiction’s ability to protect its environment?

The Chair: For the questions our members have just placed on the record, if you could answer in writing, we would appreciate it. If we receive the answers prior to February 14, they will form part of the public record. If it is after that, it will be circulated and all members will be able to share that information as part of their deliberations. Thank you for joining us today. We appreciate you coming forward.

TOWNSHIP OF KING

The Chair: I would like to call next the township of King. You have 20 minutes for your presentation. We would appreciate if you would leave a few minutes for questions. Welcome, mayor. Please begin by introducing your delegation.

Mrs Britnell: On my right is Councillor Margaret Black from ward 3, which is a rural area of our municipality, who will speak at length on our behalf. On my left is Mrs Margery Coons, a citizen from our township. They have been very active over the years in these issues. Also, there is a map on the wall that shows the greater Toronto area and the Oak Ridges moraine. The yellow portion is King township. Fully 70% of our township lies within the Oak Ridges moraine. Thank you for hearing us.

My name is Margaret Britnell. I am mayor of the township of King. I have served my community for 30 years—25 years in elected various positions and mayor for 14 years.

The township of King submits that Bill 143 should be withdrawn. It is against basic laws of democracy, abrogates the rights of the individual and advocates violation of our recognized property rights. I am very disheartened and disappointed with this government. I expected more of an

NDP government that has always advocated protection of individual rights and property rights.

The bill creates a sense of emergency, which does not exist. It denies and fails even to consider alternative options and sets out a procedure that is costly and unfair. One of the amendments Mrs Grier proposes to the bill as it stands even takes out the sections providing for damages for injurious affection.

The bill is filled with inconsistencies and contradictions. Mrs Grier said in her statement to this standing committee on January 20, 1992, "Shipping garbage to someone else's community runs counter to all of the principles of a conservator society." May I say I support that statement 100%. Yet this is exactly what Bill 143 does.

King township is probably the smallest producer of garbage in the whole of York region—we know that and Metro Toronto certainly knows that—and indeed the GTA, and has been committed to the 3Rs for many years. In fact, we call it the 4Rs because we say refusal in there as well.

Our garbage bylaw limits residents to three bags per week. Fully half of King township has reduced its waste generation to only one bag per week, and we intend to implement a user-pay system with a maximum limit. King township has a separate pickup for bottles, cans and newspapers. King township was the first municipality to officially introduce home composting in Ontario. Our household plastic and cardboard waste is recyclable, and we intend to extend this program. We have to walk before we run, in this case.

King township has, through our official plan, spent the past 20 years preserving our farm land, our beautiful, rolling countryside, the Oak Ridges moraine, fully 70% of which is in our township, and the Holland Marsh.

The truck traffic into King township serving an 800-acre landfill would in itself destroy our rural nature. A landfill of this size is so out of date with the present technology available that I do not know why we—I say all of us in this—are even thinking of pursuing it. I want to make it clear that King township will not accept Metro's garbage, nor does it think York region should. We will fight for our rights in this respect.

I will now ask Margaret Black, councillor for ward 3 and lawyer, to detail our submissions and I would like to speak briefly at the end of the presentation. Thank you.

1430

Ms Black: I come here today as a newly elected councillor for the township of King. I also come as a long-life resident of the township of King, as a lawyer of 20 years practising in the township and also as a descendant of the pioneers of Ontario. My family, the Black family, came to Canada about 1800 and settled in King township in 1822. During the almost 200 years that we have lived in King township we have farmed and campaigned for the freedom of the people. In fact, in 1837 my great-grandfather John Black was one of those rebels, a farmer who came down with his pick and shovel and whatever else, and fought against an insensitive and autocratic government. He fought for the liberty of the people. He fought against the

Family Compact. I am here to continue that fight. I am in the township of King government to continue that fight.

In the township of King we have many descendants from the rebels of 1837, and they are angry about their rights being taken away. Mayor Britnell, who spoke just before me, has been a one-woman crusade in our township to keep King green and to reduce garbage during her entire 30 years in the township. I wish to make my submissions starting with the first point.

This bill is undemocratic; it is autocratic and totalitarian. Section 7 of Bill 143 amazes me. It allows for an inspector to enter and inspect any land without a warrant. It allows the inspector even to conduct tests of land, including excavations of test pits, and allows the inspector to place equipment on the land for such period as the inspector considers necessary. That is an incredibly powerful and arbitrary power—no warrant, no consent. This is a clear violation of property and of the civil rights of our citizens. This goes even beyond police powers. Yet Mrs Grier, in her statement of January 20, 1992, says she wishes to minimize the intrusion into individual privacy. Bill 143 just does not do this.

Our second point is that the process in this bill evades the Environmental Assessment Act and therefore is inequitable and discriminatory. This bill eliminates the EAA or the Environmental Protection Act for Peel, Durham and York-Metro, and yet the Ontario government requires the rest of the province, both public and private, to spend hundreds of thousands of dollars, even millions in some cases, I have learned, and these cases are well documented. Both private and public, these people must go through very complicated EPA procedures and EAA procedures. Clearly this is unfair of this government, to exempt these three areas without allowing the citizens their full rights. The government delays on the other applications are years in the present system, yet this bill proposes to strike down the EAA process for York-Metro, Durham and Peel.

We all know that Mrs Grier was a strong opponent of avoidance of the EAA; we have her letter to Jim Bradley dated March 7, 1989, urging him not to exempt Metro Toronto from the EAA process. All I can say is that this is a mockery. Once she was in power she did exactly what she had advocated against in a past government.

Third, this bill fails to consider other options and therefore is inequitable and discriminatory. Section 14 of the bill states that an environmental assessment for a landfill disposal site is not required to contain a description or statement of the rationale for any alternative to the landfill waste disposal site other than the 3Rs and other than an existing landfill in the primary service area. In our view, this is an extremely narrow approach to our goal of resolving this garbage disposal problem in the most efficient way and with the least cost to the environment.

This bill confines the area in which to look for a site, and this reduces the possibility of obtaining the best environmental site, which has always been the object of the EAA process. We understand that there are highly engineered incinerators working in other parts of the world, including Germany, Japan, Denmark and other countries, that are essentially pollution-free and that are cost-efficient.

Why does this government not even allow us or ourselves to explore this process? Why has this bill not even considered such recognized alternatives? How could you ignore the facts of technology, cost efficiency and rail haulage alternatives? Kirkland Lake is a willing recipient of Metro's garbage. Why not let free enterprise become involved? Is this the message you want to send to the world markets, that you are an anti-business government?

The previous search for sites by the Ontario government found several huge quarries and mines, which were brought forward voluntarily—when I say “voluntarily,” I remind you of that—by the private sector as candidate sites. These sites in northern Ontario and other areas can be served by rail: Kirkland Lake, Marmora and Orillia, I understand. Rail would eliminate the aggravation of trucks on our GTA roads, which are already clogged with traffic, and would eliminate the social hysteria and emotional stress that you have already caused to the citizens of King and to other regions.

I must emphasize to you the social stress on the residents. The social stress is even more dramatic because of the process set out in the Interim Waste Authority draft criteria. You first select a long list, which we felt King might be on, and cause hysteria in many communities unnecessarily, and the stress dramatically increases upon the issuance of the short list. In addition, most of King township is in the Oak Ridges moraine. It is inconceivable that you would even consider or even find an 800-acre site in King township that will not be part of the Oak Ridges moraine.

Our fourth point is cost. This bill undoubtedly will cost the Ontario taxpayers high dollars as citizen groups and individuals hire experts to protect their property rights. The funding requirements are mind-boggling. Your intervenor funding, as contemplated in section 16 of Bill 143, will be astronomical when you consider a long and a short list, although I note the bill says “assist,” that is, there is no guarantee that anyone will get any funding.

On the issue of cost, on page 5-14 of the Draft Approach and Criteria for Metropolitan Toronto, dated August 1991, I wish to quote the following paragraph which I thought was quite amazing:

“Information centres will be located as close as possible to each community identified in the long list of sites.” This is the long list. “For example, an information centre may be staffed by a public consultation representative who will be available to answer questions for a few hours each week at the local library. In addition, a full set of documentation will be housed in the libraries and municipal offices of affected communities.”

Who pays for this?

Mrs Marland: Guess who?

Ms Black: Our fifth point is injurious affection. In King township we are concerned with section 19 denying the municipalities the right to compensation for injurious affection and even more concerned that you are proposing to remove subsections 19(1) and (2), which provide for citizens to claim for injurious affection. We insist that subsections 19(1) and (2) be put back in, and that subsection

19(3) be changed to provide that the municipalities do have the right to compensation.

Even right now in our township, trucks hauling clay to the Maple dump cross through the residential village of King City, polluting the air and causing interruption to our business section and physical injury to our roads and water services with the potential to destroy the economic base of King City. King City residential homes up to two blocks away from the road these trucks take are falling apart. The consistent and persistent traffic is taking a heavy toll of the residents' right to enjoy peaceful use of their property, not to mention the need for continual repair of their homes and the consequent loss of value because of this nuisance. These trucks start at 4 am, disturbing the peace. We want these citizens to retain their constitutional rights to sue the parties involved in this matter.

Our sixth point is that there is no emergency. When one reads the bill it is filled with a sense of urgency. When I read the act, that was the surprise. Perhaps when the first draft was made the facts were not in. The facts are now in: No emergency exists for Metro or York. So be big enough, NDP, to back off and withdraw this bill, which was obviously drawn up in haste. We will respect you for it as we have done in the past.

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We want to solve this problem as much as you do. We submit that Metro must become more involved in the 3Rs and that Metro must look after its own garbage within its own boundaries.

Even if an emergency still did exist, Bill 143 does not do the job. It does not establish a process to find a long-term landfill site as quickly as possible with an environmental assessment, and that is the goal that Mrs Grier set out in her statement of January 20, 1992.

Thank you. I would like to refer back to Margaret Britnell for closing remarks.

Mrs Britnell: The township of King says the bill should be withdrawn. It is obvious from its wording that it was hastily prepared legislation with an emergency in mind that does not exist. The capacity of Keele Valley is adequate to 1999.

King township is farm land, horse farms, rolling hills, the Holland Marsh, woods and unpolluted streams. We have continuously fought hard through our policies to maintain these characteristics. In fact, the Holland Marsh supplies a great deal of food for the GTA as well as a lot of export to the market. I have personally fought for the past 20 years to maintain King's character. My re-elections show that I represent the people. King township will not accept Metro's garbage and will fight to retain its rural nature.

We implore you to return to the Environmental Assessment Act and the Environmental Protection Act process already in force. We implore you to let the private sector come forward.

There are other ways to solve Metro's garbage problems. We implore you to consider the alternatives and look for the best economic, environmental and technological solution for the GTA. One example for Metro is to redevelop

industrial lands that are vacant on Metro's perimeter and on the waterfront. I have toured them. There is lots of room there. A second is to create a facility on the north, east and west boundaries of Metro with up-to-date, state-of-the-art recycling, separation, compacting and incineration at the end of the line, not at the beginning. We have the technology there. It was developed in Kingston in 1978 and has been improved ever since.

The whole of Ontario benefits from the GTA, not just York, Durham and Peel. Let's all look after our own garbage, which the township of King has always done, and let Metro look after its own. Let's come out of the petrified forest of the Ministry of the Environment and look towards resolving this garbage crisis, taking into consideration what other countries and cities with a far greater population than Metro or the greater Toronto area have done with minimum land mass. The greater Toronto area is a microcosm within Ontario. Let's show some innovative leadership instead of reacting by using the same out-of-date, environmentally harmful methods.

Thank you. We invite your questions.

The Chair: Thank you very much for your presentation. Given the lack of time, I am going to ask all members to put their question on the record and then allow the mayor and deputation to respond with whatever time remains, if there is any. Mr Cousens, just place your question.

Mr Cousens: Just keep fighting, Margaret. I think you can win.

Ms Black: A couple of hundred years of politics in the province should do it.

Mrs Marland: The line about the Ministry of the Environment being in the petrified forest is one of the best lines I have heard.

The Chair: Do you have a question, Mrs Marland?

Mrs Marland: Yes, I do. I am wondering if this deputation would be willing to meet with the Minister of the Environment if they had the opportunity, and whether they have asked for that kind of meeting.

The Chair: Mr McClelland, question?

Mr McClelland: I hope you would implore the government yet again to be big enough to back off the bill and not respond with rhetoric that would put the members in a position where they claim to be experts on everything from civil liberties law and international trade law to constitutional law—

The Chair: Question, please.

Mr McClelland: —and not only that, but tell businesses how to run their own businesses. Rather, I hope you could implore them successfully to maybe back off and just listen a little bit—

The Chair: Question.

Mr McClelland: —and not presume they know everything about everything. Maybe you have something worthwhile to offer. Thank you.

The Chair: Mr Martin.

Mr Wiseman: Another speech. Come on, give us a break.

Mr Cousens: He wants a break.

The Chair: Order, please. Mr Martin, you have the floor.

Mr Martin: Certainly one of the major premises of this legislation is that there is a crisis. Throughout your presentation, you at one point said there is, and then at one point you said there is not, and then at the end you said there is again. Could you please help me know whether you think there is or is not a crisis?

The Chair: Ms Haeck, question?

Ms Haeck: I noted that throughout your presentation you made reference to incineration on several occasions as being "approved technology." However, we have had several presentations, one as recently as this morning from the district health officer from the Simcoe-Orillia area, and he has left us with some very edifying, illuminating documents relating to the unsafe characteristic of incineration. We can get copies of that for you. I am wondering if you could really justify for this committee why we should be examining a process which is so unsafe, through a series of scoped hearings.

The Chair: Question, Mr Wiseman?

Mr Wiseman: Yes, I have two questions. One, I would like to know what your definition of "willing host" is, given that when P1 was designated as a willing host site, the entire town and council of Pickering opposed it.

Ms Black: We did not use the words "willing host." We talked about "recipient."

Mr Wiseman: But when you talked about Kirkland Lake, the fact of the matter is that the Adams mine is outside of Kirkland Lake and in another township, and those residents have contacted us and indicated that they are not in fact willing to take Metro's garbage, although Kirkland Lake is willing to take it. So I would like your definition.

The second thing is that I would like your comments, if you could get the Hansard from yesterday afternoon and read the CP and CN Rail proposals, which would indicate that they would have just as many trucks coming into York region to offload the garbage to put into containers that would then go by train.

The last question I have has to do with the draft criteria document itself and the fact that it sets the criteria first before moving towards the long list. I would like your comments about that process in terms of establishing the criteria before the landfill sites are selected.

The Chair: The clerk will make available to you copies of the questions that have been placed on the record. If you are able and wish to answer them, we would appreciate it. Today is February 11. If we receive them prior to February 14, they will become part of the record. If it is after February 14, they will be considered by all members of the committee as part of the deliberations. We very much appreciate your coming before the committee today.

Mrs Britnell: Thank you for hearing us. Can we get those questions now or do we have to wait for them? How do we get them?

The Chair: The clerk will send them out. We should have a copy of instant Hansard. If you wish, I will ask her to contact you as quickly as possible.

Mrs Britnell: Well, please do not send them in the mail.

The Chair: We could fax them as soon as possible.

Mrs Britnell: Thank you very much.

The Chair: Mayor Britnell, perhaps just leave your fax number with the clerk.

Mrs Britnell: I will.

The Chair: We will get those to you as quickly as we can.

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MISSISSAUGA CITIZENS ENVIRONMENTAL
PROTECTION ASSOCIATION
RESIDENTS AGAINST CEMENT COMPANY
POLLUTION

The Chair: I would like to call next Carolyn Siller. Please come forward. You have 20 minutes for your presentation. We would ask that you leave a few minutes at the end of the presentation for questions from committee members. Please begin by introducing your deputation, and would you begin your presentation now.

Mrs Siller: My name is Carolyn Siller, and I have notified the clerk that I am willing to share my time with Ms Julie Bart, another resident from the city of Mississauga.

Madam Chairperson, members of the committee, thank you for the opportunity to speak with you today regarding Bill 143. For the past 10 years, as cofounder and president of the Mississauga Citizens Environmental Protection Association, MCEPA, I have been extensively involved in matters of waste management, especially as they relate to the region of Peel. On behalf of the MCEPA I have made numerous presentations to regional council, Mississauga city council, business groups, service clubs, schools and others on waste management issues.

Our association has participated in workshops and consultative groups in regard to the siting of a new landfill for the region of Peel, development of the region of Peel's waste management master plan and the development of the St Lawrence Cement Co refuse-derived fuel proposal. As well, we were funded intervenors in the joint board environmental assessment of the Peel Resources Recovery Inc energy-from-waste facility in the city of Brampton. That hearing took place in 1988.

Based on my experience as a citizen in the area of waste management, I am here today to give my full endorsement to Bill 143 and to applaud the minister for the leadership role she is taking in moving Ontario from a consumer to a conservor society. Mrs Grier has been courageous in terms of putting into practice that which we all profess to believe, that is, that we must stop being world-class, state-of-the-art garbage producers and begin to preserve our resources.

The minister and her government, through Bill 143, have enunciated a social policy that is asking us to completely reverse our old ways of thinking. That is a challenge, and it is disturbing to all of us. It is hard for us to get

our minds around. We are being asked to focus our efforts on reusing, composting and recycling our waste rather than trying to figure out the most environmentally sound way of disposing of it. The change of attitudes that must come about to accomplish this is much more difficult than any quick, out of sight, out of mind technological fix.

Part IV of Bill 143 is guiding us towards that new way of doing things—a new way that makes much more sense socially, economically and environmentally. Until we all make that switch in our thinking, someone somewhere will always be faced with living next to a new landfill or the extension of an old landfill or living under the stack of an incinerator.

As a resident of Peel, I deeply regret the extension of the Britannia landfill site. However, I believe it is the best of any number of very unpalatable choices. It is unfortunate that the residents who live near the Britannia site must be the victims of a crisis that we have all had a part in creating.

I am pleased that the search for the long-term landfill site will undergo a full environmental assessment. As a citizen who has been involved for some time in environmental matters, I fully endorse the environmental assessment process. However, as president of a group of citizens who were intervenors in a lengthy hearing regarding an incinerator proposal, I believe the hearing process is flawed.

First, no amount of funding received by citizens can ever match the resources available to the proponent. The citizen side and the proponent side are simply not equal. More important, however, the environmental assessment process tends to focus on technical matters; for example, will the clay liner leak? Will the emissions meet the current regulations? It is very difficult to introduce a conceptual idea, a discussion about attitudes and fundamental societal change, in such a setting.

In a speech to the annual meeting of the Recycling Council of Ontario in the fall of 1989, the previous Minister of the Environment, Mr Bradley, said that incineration is a dinosaur that has no place in a modern waste management system. Mrs Grier has taken Mr Bradley's stated belief that incineration is an outmoded concept and restated it as government policy. Incineration has now been banned in the province of Ontario.

In our community we are presently faced with a proposal from the St Lawrence Cement Co to burn refuse-derived fuel in its cement kiln. The glaring problem with the proposal is that that refuse-derived fuel would be composed of plastic and paper, both of which are recyclable. A society which is in transition from consumer to conservor cannot logically resort to throwing recyclables into a furnace.

The St Lawrence Cement proposal is simply inconsistent with this government's policy of moving towards a conservor society. St Lawrence Cement has been before this committee asking that it be allowed to proceed with an environmental assessment of its incineration proposal. This makes no sense whatsoever. Given the policy of this duly elected government to ban incineration, it would be ludicrous to proceed with an environmental assessment on an outmoded, retrograde technological fix that attempts to solve the back end, not the front end, of the garbage problem.

The incineration industry and the other vested interests in the waste disposal business that are fighting this bill tooth and nail are out of touch with the willingness of ordinary people to protect the environment by reducing waste. Business too has realized that there is economic gain in reusing and reducing. Both citizens and business are realizing that there is much to be gained by changing their attitudes and practices.

In our communities of Mississauga and Oakville, citizens would much rather reduce, reuse and recycle and compost than live under the stack of the St Lawrence Cement incinerator. I would like to list for you the substances, according to St Lawrence Cement's own figures, that will be emitted from its stack. These figures are calculated on the incinerator or the kiln operating 300 days per year.

These are the substances that will be emitted: carbon dioxide, which, as you know, is a major greenhouse gas, 1.75 million tonnes per year, equivalent to 225,000 cars using 60 litres of gasoline per week for a year; particulate, 675 tonnes; sulphur dioxide, a gas which, as you know, contributes to acid rain, 2,935 tonnes; carbon monoxide, 950 tonnes; nitrogen dioxide, another acid gas, 2,997 tonnes; aluminum, 15.3 tonnes; copper, 8.6 tonnes; lead, 4.1 tonnes; mercury, 0.13 tonnes. All these emissions would meet the current regulation, Bill 308, but you look at it differently when you are sitting under it.

In conclusion, I would ask this committee and this government to give the citizens the tools we need to help make Ontario a truly conservator society with a quality of air, water and land which we are proud to leave to our children. Please free us from the costly, draining battles fighting against landfills, fighting against incinerators and other projects. Let us instead use our time, energy, resources and talents to work for positive change. Let us help you to work to change attitudes and to transform Ontario from a consumer to a conservator society.

The Chair: Thank you very much for your presentation. Would you introduce yourself.

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Ms Bart: My name is Julie Desjardins Bart. I am chairperson of a residents' group called Residents Against Cement Company Pollution. Formerly, we were known as the Mississauga-Oakville Residents Committee. In 1990 we submitted a brief to the Minister of the Environment outlining our significant concerns with the St Lawrence Cement proposal to incinerate refuse-derived fuel at its Mississauga plant. The brief was signed by individuals, ratepayers and other groups representing over 17,000 households in the immediate vicinity of St Lawrence Cement.

I am not here to debate the faults of the St Lawrence Cement incineration proposal, but having heard St Lawrence Cement's presentation to you, some comment seems appropriate. To avoid lengthy, costly arguments about whether St Lawrence Cement considers itself covered by the ban on incineration, we would encourage you to specifically include the burning of refuse-derived fuel in the legislation.

Listening to St Lawrence Cement's presentation, we are promised jobs, affluence, safe garbage disposal and clean air. My goodness, are we crazy not to be jumping on

this bandwagon? One overriding theme that permeates all of our dealings with our St Lawrence Cement is that St Lawrence Cement has not been a good neighbour. They are not as upfront and as straightforward as they would have you believe.

Let's take a moment to review St Lawrence Cement's track record environmentally. For years and years there has been particulate fallout from their existing operations. In exasperation I think, the Ministry of the Environment has issued a control order against St Lawrence Cement ordering it to fix its problems. SLC's response has been the same as the Hagersville tire company. They have appealed the control order, so we are stuck in court.

In anticipation of the control order, St Lawrence Cement set to work on their neighbours by distributing flyers complaining that the Ministry of the Environment standards would just have to be downgraded. Their environmental attitude is: "Don't fix the problem. Give us special exemptions." I would like to point out that this bad attitude is particularly noticeable in our area. There are a number of heavy industries in the area. Residents and the district office of the Ministry of the Environment have noticed a marked improvement in the social responsibilities of all of these companies except St Lawrence Cement.

Let's look at how we must filter St Lawrence Cement's information. Their presentation to you claimed that "this technology is now in use throughout the industrialized world." Then what are the actual emissions coming from these stacks? This information has never been provided. Instead, they have estimated what they think the emissions might be by doing literature reviews and extrapolations of numbers. St Lawrence Cement is owned by Holderbank, a company based in Switzerland. Holderbank operates 75 cement companies on five different continents. Surely they could get their hands on actual emission data. Why are they asking us to make a decision based on literature reviews and numbers gyrations? Are we or are we not guinea pigs? If we are not, then give us the information on the actual emissions. No empirical data has been provided.

Their presentation to you claimed they were working diligently with the community. Working on the community might be a better way to phrase it. There is no doubt they have embarked on an expensive public relations campaign. As evidence of their close relationship with the community, their presentation noted work with what they call the community liaison committee. What they failed to say was that everyone listed on that committee is against their proposal: Meadowood-Rattray Residents Association, against; Joshua Creek Ratepayers, against; Mississauga Citizens Environmental Protection Association, against; Mississauga Clean City Campaign, against; local and regional councillors—the councillor for our ward, Mrs Pat Mullen, is here in the audience. She is against. Our MPP, Mrs Marland, is against their proposal.

To that we can add our group, whose brief was signed by representatives of over 17,000 households. We can add the Council of Southwest Mississauga Ratepayers Association, an umbrella group for 22 ratepayer groups. We can add the Federation of Oakville Ratepayers Group, the umbrella group of Oakville ratepayer associations. All these people

are opposed to the proposal. There is widespread community opposition and frustration with St Lawrence Cement's proposal to burn garbage.

This issue of a poor environmental attitude, of the lack of upfront straightforward dealing with one's neighbours is critical. Their track record shows poor environmental performance, poor environmental attitude, inadequate data and a public campaign aimed at doubletalk and half truths. This company's plant is situated in the midst of a heavily populated residential area. It is on the shores of Lake Ontario, the source of drinking water for millions of people. Pollution effects from St Lawrence Cement will be widespread.

Why would we entrust a new technology, the burning of RDF, to a company that cannot operate its existing cement-making operations in an environmentally acceptable manner? As the Ministry of the Environment, not the politicians but the public servants who are technical experts, have stated, air quality could drastically deteriorate before St Lawrence Cement would stop its kilns. The Ministry of the Environment's technical review noted serious flaws in St Lawrence Cement's proposal and advised them that St Lawrence Cement should not proceed to an environmental assessment hearing.

On the issue of an environmental assessment hearing, as a taxpayer, I cannot see the sense of sending St Lawrence Cement's proposal to a hearing. The duly elected government has established a social policy banning incineration. The technical experts in the Ministry of the Environment oppose the proposal. Why would we want to spend taxpayers' money to hire lawyers to register the government's social policy stand, another set of lawyers to argue the MOE's technical stand, another set of lawyers to argue for ratepayer groups, etc, and use our scarce environmental and governmental resources on this? In our legal system we already filter out those cases that are not worthy of going to court. Surely we can exercise similar commonsense in eliminating some proposals from going to a costly, resource- and time-consuming EA hearing.

St Lawrence Cement distributed a flyer to their neighbours when they heard of the ban on incineration. Their flyer claimed in big headlines: "RDF is Not Incineration." As stated earlier, to avoid any lawsuit by St Lawrence Cement contending that this legislative ban does not apply to the burning of refuse-derived fuel, we ask that the legislation specifically include the banning of RDF incineration. I have submitted a suggested amendment to the clerk that would deal with this point. Thank you.

The Chair: Thank you very much for your presentation today. We appreciate your coming before the committee. If there is any additional information you would like to share with us at any time, please feel free to communicate with us in writing.

MICHAEL IZZARD

The Chair: I would like to call next Michael Izzard. You have 20 minutes for your presentation. Please begin by introducing yourself, and we would ask you to leave a few minutes if you can for questions from committee members. Please begin your presentation now.

Mr Izzard: Thank you Madam Chair. My name is Michael Izzard. I am an environmental lawyer and a chemical engineer. I have a practice in Mississauga.

Basically, Bill 143, in my view, is not new legislation; it is legislation that is in the nature of emergency legislation only. Part I of the bill covers the Interim Waste Authority, which includes the powers of expropriation which are already on the books of Ontario's laws in the Expropriation Act. The power of entry is covered in the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act, so neither of these concepts is new with regard to Ontario legislation.

Part II deals with long-term landfills, and in that the concept of the 3Rs is emphasized. Part II varies subsection 5(3) of the Environmental Protection Act slightly, but all the necessary definitions and clarifications for this variation are in Bill 143.

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Part III of Bill 143 is the minister invoking section 29 of the Environmental Protection Act. This section, to the best of my knowledge, was enacted in 1971 when the act came into force. Again, the necessary clarifications are in the bill to avoid any interpretation problems.

Part IV of the bill is basically normal legislative amendments which deal with, in this particular bill, definitions only. These amendments are necessary in order to set the stage for future legislation implementing this government's 3Rs conservator policy. I agree with Mr Tom Lederer, the solicitor for the city of Vaughan who addressed this committee several weeks ago, when he said that a court challenge to Bill 143 would be very difficult.

With regard to the subject of incineration, the word "incineration" is only mentioned once in Bill 143, and that is in subsection 14(2). In the current Ontario legislation there is no definition of incineration. We have definitions for incinerator, which is in regulation 308; we have a definition for waste; we have a definition for ignitable waste, and then we have various definitions for hazardous waste, liquid waste, and so forth. But to arrive at a definition of incineration, we have to develop this from these other definitions. I suggest that a simple chemical definition of incineration would be the oxidation and reduction of molecules by which heat and light are emitted. A simple layperson's definition would be, incineration is burning. These two definitions have been put on a paper which I believe has been circulated. I therefore suggest an amendment to Bill 143 could include a scientific-based definition of incineration. This would fit into Part IV of the bill.

With regard to cement kiln incineration, St Lawrence Cement has made a presentation to this committee, as you have heard several times already. In St Lawrence Cement's presentation, it proposed an addition, or what it calls an amendment, to section 14, and called that subsection 14(4). This was in their binder that they circulated to everybody. Incidentally, that binder is made of non-recycled paper, plastic, and plastic binder, and is only printed on one side. For a company that is concerned about recycling and the environment, that was about the most environmentally unfriendly binder I have ever seen. Their subsection 14(4) reads, "Incineration of waste in this part shall not include

the reduction of refuse-derived fuel for use in a cement kiln." Incineration is not the production of fuel; incineration is the burning of fuel, so this subsection 14(4) is talking about two things: burning or incineration, and it is also talking about producing fuel. Refuse-derived fuel, however you want to look at it and however you define it, is simply fuel. Other examples of fuel are coal, fuel oil and natural gas. My point with regard to their subsection 14(4) is that it is basically not very useful to this committee in that it does not address one specific topic but tries to bring two things together.

In engineering and the basic sciences, the concept of an elementary mass balance is one of the first things we learn. A mass balance, simply put, is, what goes in equals what goes out. The matter and atoms which go into an incinerator or into a chemical reactor are exactly the same atoms as those that come out. A high-temperature chemistry is relatively uncertain in that it is very difficult to find materials that can be used for measuring what is going on at elevated temperatures. In addition, with regard to high-temperature chemistry, once the molecules have been heated to these supertemperatures and then cool down, they reform into complexes which can be measured, but we do not know what has happened in the incinerator.

All the metal atoms that go into an incinerator equal all the metal atoms that come out. Ash is either chemically or physically bonded into the cement; St Lawrence Cement has said one at one time and another at the other time. At this present time, I do not know whether it is chemically bonded or physically bonded. Again, we have an unknown.

In any event, the ash materials would contain many of the toxic molecules that we are so concerned about. The ash materials in cement will be in the environment when the cement deteriorates. We have all seen cracks in cement sidewalks, crumbling concrete and cement rubble used to reinforce shorelines of lakes and rivers. This is not to mention the air emissions from cement kilns. These toxic materials that may be chemically or physically bonded in cement will be distributed widely into the environment in an uncontrolled manner by allowing them to be encased in cement.

Also, St Lawrence Cement considered that light plastics and paper are the refuse-derived fuel it is interested in. This is from two of their reports. These materials are of interest to St Lawrence Cement as they have a BTU content that equals that of low-grade coal or fuel, which ties in with the definition of waste-derived fuel in regulation 309. These materials, light plastics and paper, are recyclable. They are not the materials that may have been circulated at this committee at an earlier time.

In conclusion, I would like to state that I support Bill 143. It is an environmentally sensitive and environmentally positive piece of legislation. Also, it incorporates previous legislation to take the first step toward the implementation of the government's conservator society, an environmental policy which I applaud. There are no magic solutions to the problems that the bill addresses, only ones that make good environmental sense. Thank you, Madam Chair.

The Chair: Thank you very much for your presentation.

Mr McClelland: Your partner and previous presenter said the hearing process with respect to the EAA is flawed. I think we would agree with that. It seems to me that the solution then is to fix the EA process. She also said—and I will say in my question to you, sir—that we have to, as a society, completely reverse our way of thinking. I think we share that opinion. My question to you is if you think Bill 143 is such good stuff, that it puts so much power into the hands of one person, how would you feel, recognizing, which I hope you do, that it is a two-edged sword, it cuts both ways, that somebody some day might be sitting in the Minister of the Environment's office who does not share your outlook? Do you understand what you are saying when you say you support and you are in favour of Bill 143? Do you and your partner not recognize by—all the things that you used to believe in, my colleagues opposite used to believe in, public participation. Do you not see that that power in the hands of somebody who has an opposite position to you—right now they happen to agree with you, and that is fine, but if it was in the hands of somebody who does not agree with you, do you not see that as potentially dangerous, contrary to everything that you say you believe in?

Mr Wiseman: Kind of what you did on P1 and site 6.

The Chair: You do not have the floor, Mr Wiseman. You may answer.

Mr Izzard: Mr McClelland, I do not feel that Bill 143 takes any power away from anyone.

Mr McClelland: Do people in Britannia feel that?

The Chair: Mr McClelland, you no longer have the floor.

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Mr Izzard: Basically Bill 143 uses the same environmental assessment process as under the Environmental Assessment Act, with a few variations, as I mentioned, with regard to subsection 5(3). I do not believe it is a dictatorial piece of legislation that is usurping power into the hands of any one person against any other group of people.

You have brought this question forward to this committee several times before. You have asked various people whether they believe in a full, open environmental assessment that is independent and fair. With regard to this idea of environmental assessment and the things we believe in, as you were saying, I myself have participated in two of the largest hearings this province has ever had and been on the borders of a third.

With regard to full hearings, as you say, full hearings are extremely costly. The Environmental Assessment Board proposed in September 1990, which was during the former government's mandate, some proposals to cut down the environmental assessment process itself into a form of scoping. I support what that proposal paper says.

With regard to the concept of these environmental assessment hearings being independent, that depends on which side you are on, again. With regard to independence, we have one consultant saying one thing and another consultant saying another. Usually the proponent is the one with the most money. They can hire the most consultants. It is

very difficult for intervenors, given a limited budget, to fight an army of consultants. For example, at the Ontario Waste Management Corp hearing, it spent approximately \$100 million in preparing its presentation for the hearing. I was working with the intervenors and we were given \$1.3 million in total to fight it; \$1.3 million against \$100 million is not what I call fair and open or independent.

I have also participated in hearings where consultants are basically requested to submit draft reports to the person paying their bills for these drafts to be approved. If the person hiring these consultants, such as St Lawrence Cement or, generally speaking, a proponent, does not like what the consultant is saying, he will request the consultant to change the report. I do not consider this to be the concept of independence, so we still have a lot of problems with our environmental assessment process.

The Chair: We do not have time for questions and answers, just for questions for the record. Mrs Marland, do you want your question on the record or not?

Mrs Marland: Even though the others have had questions?

The Chair: The procedure I have been using is to allow the deputant the benefit of the majority of the time and deducting it from members of committee, since the purpose of these hearings is to hear from the public. When we have run out of time, I then allow you to put your questions on the record. The other caucuses will have a chance to put their questions on the record as well.

Mrs Marland: All right. I will play by the rules. I would like Mr Izzard to answer a question. He describes Bill 143 as being environmentally sensitive and environmentally positive. How can he give that description to a bill that gives power to the minister to expand the Britannia landfill site without any kind of environmental assessment whatsoever?

The Chair: Ms Haeck, a question for the record?

Ms Haeck: No, thank you. I just want to thank the deputant.

The Chair: If you would like to respond in writing to Ms Marland's question, you can do so. The clerk informed me we are not a priority for being able to send out the Hansards. You have heard the question. If there is an opportunity for you to respond by February 14, you will be able to have it as part of the public record. If it is after that, it will be available for members to consider. Thank you for appearing today. We appreciate it.

Mr Izzard: Thank you.

JOHN EPPS

The Chair: John Epps is our next presenter. You have 20 minutes for your presentation. If you would leave a few minutes at the end for questions, we would appreciate it.

Dr Epps: My name is Dr John Epps. I am a family physician in practice in Kirkland Lake. I come here this afternoon to speak in regard to Bill 143. I am also an active member of the Timiskaming Anti-Garbage Coalition. I have publicly opposed the process whereby the municipality of Metropolitan Toronto has attempted to solve its garbage

crisis in northern Ontario. Furthermore, I was a candidate for the mayoralty race in Kirkland Lake in November 1991. In that election I won the support of over 2,100 voters in Kirkland Lake; that represents about 42% of the ballots cast. Thus I am speaking today not only on behalf of the thousands of Kirkland Lakers who supported me, but also for thousands of other people in the Kirkland Lake region, the so-called host region, who have never been given a chance to voice their opposition or to make their concerns known publicly in an open and objective fashion.

Although many Ontarians need an explanation of where Kirkland Lake is located, I am sure this is one group that needs no such geography lesson. In spite of our northern location, the people of my region share the same goals and aspirations of other Ontarians: to see safe and responsible economic development creating jobs and prosperity for all. Furthermore, I can assure you the people of Kirkland Lake share another goal with all citizens of Ontario: They wish to see a shift towards a conserver society in the 1990s. No one denies that our ability to produce garbage has outstripped our ability to dispose of it in a safe and economical fashion. I share the view that the only way to resolve this dilemma is for society to produce less waste.

The waste crisis now upon us has been predicted for at least a decade. Other large cities around the world have given us both good and bad examples of how to deal with urban waste. While it is generally felt reduction is the best solution, there has been little incentive for individuals to reduce their contribution to the waste stream while cheap and seemingly bottomless landfill options are available.

Politicians have long had the means to deal decisively with the problem, but have lacked the foresight or perhaps the fortitude to do so. This lassitude was also the result of having relatively cheap landfill available. Thus it is refreshing to see Bill 143 introduced. It will provide the incentive for all regions in the province to get on with the jobs of reducing their waste stream and then recycling the waste until only a true residual component remains.

The bill also provides the framework for tougher legislation governing packaging and recycling of containers. There is no more time to wait for industry to produce more environmentally sensitive packaging systems on its own. Their solutions have consistently provided for too little too late.

I congratulate the Minister of the Environment on her progressive and courageous stand. While waste generators and waste handlers will no doubt state there is no proof that having to look after one's own waste is an incentive to reduce, I believe ordinary people using common sense can easily see how keeping their garbage in their own backyard will force them to reduce the amount they produce.

I think today there is another point that needs to be addressed. I fully support the formation of the Interim Waste Authority and giving it power to proceed with the landfill site selection process for the greater Toronto area regions of Metro, York, Peel and Durham. While it is often stated that public consultation and involvement in landfill site selection is essential, beginning at the time a potential site is identified, Metro has in the past shown among these regions a complete disregard for this process.

I would like you for a moment to consider the process whereby Metro entered into a contract with the municipalities of Kirkland Lake, Larder Lake and Engelhart regarding the processing and disposal of Metro's solid waste at the Adams mine site. Although not a legal requirement under the Environmental Assessment Act, involving the public in the proponent's pre-submission consultation has long been encouraged by the ministry. The environmental assessment branch Guidelines for Pre-submission Consultation states clearly:

"For pre-submission consultation to be successful, proponents are advised to document environmental issues as they are raised and to provide, for interested parties, the information and analysis on the manner in which issues have been addressed."

Up until the signing of the agreement on December 5, 1990, one might have thought the proponent in the Adams mine proposal was the developer. However when the agreement was made public, it put Metro clearly in charge of both the disposal and recycling aspects of the proposal. So regardless of this lack of a clearly identified proponent for the proposal, it is clear Metro had a responsibility to initiate public consultation based on its own site selection guidelines.

I am sure you are aware of SWEAP, the solid waste environmental assessment plan. Metro has formulated that group to take care of solid waste management issues. It has published a discussion paper called Discussion Paper 2.2: Landfill Selection Process, in which it states:

"Any other groups of individuals who feel that they are or may become affected by Metro's solid waste master planning can have access to all the SWEAP documents and their comments will be recorded and taken into account in all further planning.

"In addition, Metro considers that those who live in communities where waste management facilities may be sited will become affected parties as soon as potential sites are identified and should be actively invited to participate in Metro's planning process."

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This was alarming to me because I only read this SWEAP document about two weeks after our agreement was signed. The document led me to present a brief to SWEAP's multistakeholders caucus on February 5, 1991. Imagine my surprise when I was told that the members of SWEAP had never been officially approached with regard to the Adams mine proposal. In the agreement, it states clearly that SWEAP is in charge of the recycling facility and options at the site, and yet it had never been asked.

At that point, it became painfully clear to me that there had been a complete lack of public consultation on the issue, both in Metro and up north. To this day, there has never been an open meeting sponsored in Kirkland Lake either by the municipalities there, the three municipalities signing the agreement, or by Metro or any GTA municipality. Far from being a model of public cooperation and consultation, the whole affair took on the appearance of yet another backroom deal between municipal politicians and developers, who were quite happy to begin the public con-

sultation process after the ink was dry on the contract. That is, indeed, exactly what happened.

I would like to repeat my praise for the Minister of the Environment in introducing Bill 143. She has placed responsibility for waste squarely on the shoulders of those generating it. This is where it will do the most good in encouraging reduction, reuse and recycling. I thank you.

The Chair: Thank you very much for your presentation. Mr McClelland?

Mr McClelland: You indicated, sir, that you were interested in the public's participation in solutions for Kirkland Lake. Is that correct?

Dr Epps: Yes.

Mr McClelland: I am sure you will have considerable comment about the referendum. We have heard much about it. You yourself, I understand, stated it was the wrong question, so you refused to vote on it. At the same time, I understand the yes vote on the referendum was greater than both the number of votes cast for the other candidate for the mayoralty and for you as well. Is that correct?

Dr Epps: In other words, greater than the total?

Mr McClelland: No. The number of yes votes was greater than the number of votes for the mayor and—I do not say this in any disrespectful sense—obviously greater than yours, inasmuch as the mayor won. You also said at that time during public debate that you were prepared to accept the wishes of the people. Is that not correct?

Dr Epps: That is correct.

Mr McClelland: Are you still of the view that the wishes of the people should be at least taken into account and be given a full hearing?

Dr Epps: Yes. I think the people in Kirkland Lake wished to make sure the process was guaranteed a safe proposal, gone through to its conclusion. I also stated, as I trust you are aware, that I also reserved the right to become an intervenor, because without an intervenor or an opposing voice I think you will find that the environmental assessment process falls apart. You must have both sides of the argument.

Mr McClelland: Yes, and that is fair. I think both sides of the argument have been put forward and, indeed, that is what many people have been saying, that they would like the opportunity to have both sides of the argument put forward. Do you still take the position, sir, that you feel morally bound by the wishes of the people?

Dr Epps: Yes, I do.

Mr McClelland: So if you were satisfied that the people had a fair opportunity to participate and that the issues of the day and this particular issue at hand were given ample and full consideration, you would accept that as a reasonable position?

Dr Epps: By "the issue of the day," do you mean—

Mr McClelland: I mean the issue with respect to the possibility of looking at Kirkland Lake's hosting a recycling facility, any number of aspects of the proposal that has been put forward by Notre Development.

Dr Epps: We must return to perhaps SWEAP or whatever organization is in charge of that facility before we make a decision on that basis. I think people have certainly been told many things by the developer in this regard. They have been promised a number of jobs, tonnages and such but have never been told exactly what type of recycling will occur at the site in terms of high quality, low quality, source-separated, wet, dry, mixed. I think it is important that the people of Kirkland Lake have always been reassured and patted on the head condescendingly, but they have never been told clearly. They have been shown a videotape of a system working elsewhere, but in fact the only agreement that existed, signed, to date stated that was clearly in the hands of Metro's body, SWEAP.

Mr McClelland: Yes, but you ran your mayoralty on the issue—

The Chair: I am sorry, Mr McClelland. Mr Martin, you have the floor.

Mr McClelland: You still want to let the people have their voice heard.

Mr Martin: Maybe to follow up a bit on Mr McClelland's question, because I think it is an important point here and I would like to hear a bit more on it, obviously you have some concern re the whole question of whether Kirkland Lake really is a willing host and the process by which the referendum was done. Is there anything more you would like to share with us that would clarify this in a way, that would perhaps tell us that Kirkland Lake is, in fact, maybe not a willing host?

Dr Epps: I think it is important to put the 69% yes vote to the municipal question in perspective. There is no question that on at least four occasions in the year prior to the election we asked the council to hold a referendum or some kind of municipal question, and each time it refused, dogmatically, to hold it. Only on the eve, with only 72 hours remaining to the deadline, did they come in, and then it became quickly apparent that the developer came in and was able to spend quite a large sum of money. Some estimates are as high as \$30,000 in advertising. As you well know, the mayor's campaign spending in my own municipal election was limited to under \$10,000 each. It made it very difficult for us to combat that with the opposing view, having no funds at our disposal.

I think it is also important to know a couple of other points. One is that many were told—it was certainly implied and told in some circles—that if we did not support the question, we might get the GTA's waste without the environmental assessment. That was a fear on many people's part and may account for some of the discrepancy between those who voted for me and those who yet voted yes to the municipal question.

The other thing that was told was that it was only a study and after the environmental assessment we would have a chance to decide, to make a decision on whether we accepted or rejected the proposal later. To my mind, in speaking with people from the Ministry of the Environment and the environmental assessment branch, we are not clear that this is the case, that we can make a decision after the EA board hearings.

Finally, we were also told that the environmental assessment guaranteed the safety of the project. That was stated clearly many times. My opinion is that I do not think that safety can be guaranteed. It does the best job it can, and for that reason we support the use of the environmental assessment. I also note that it is going to be changed, so we would like to know what the new process will be before we will give wholehearted support to it. But it is important to realize that there was a lot of confusion generated because of these ideas that were set forth—"answering the municipal question this way gives you these options"—and I am not sure those options were clearly understood by the voters.

Mrs Marland: You went through a municipal election last November, and I wonder if this question was brought up at all-candidates meetings. Since that time, have you asked for a public forum discussion with your elected officials?

Dr Epps: It was brought up at an all-candidates meeting and it was a very exciting election. There were 17 candidates running, I believe, and they each received two minutes to deal with that question, an inadequate time to deal with the issues.

After the election I have not, because I have been dealing with other municipal issues, serving on other boards. But prior to the election, on at least two occasions, I asked for a public meeting and was told by our elected municipal representatives, our councillors and our mayor, to go away, and that we would get a chance to discuss it during the environmental assessment process. We were refused a public meeting prior to the election, and I have not brought it up after.

Mrs Marland: Is it not enough of a major concern that in the months since—we are talking about three months since—I do not know how many of the council are new, but you would not go the current council and say, "Look, it is time we discussed this openly in a public forum"?

Dr Epps: I think that time is approaching. I think you have to appreciate that with 50% of our council replaced, and including the Christmas break, we had to give them a bit of time to get used to the idea of governing. I think that now perhaps the time is coming to discuss that, but remember that the council and the mayor have shown no leadership in this issue in an attempt to bring it back to a public consultation process. So we will have a condition whereby there has been no public consultation sponsored by our municipality.

The Chair: Question for the record, Mr Wiseman?

Mr Wiseman: Yes, two questions, very quickly. Do you think a fair question might have been, "Do you want Metro's garbage?" Second, did the residents of Boston township, where the Adams mine site is located, have the opportunity to vote for you and to vote on this referendum?

The Chair: Thank you very much for your presentation. We appreciate your coming before the committee today. If you wish, you can respond to the questions that have been placed on the record in writing over the course of the hearings.

1540

ECOSYSTEM APPROACH GROUP

The Chair: I would like to call next Ecosystem Approach Group. Please come forward, begin by introducing yourself, and you have 20 minutes for your presentation. We would appreciate it if you would leave a few minutes at the end for questions from members of the committee. Please begin your presentation now.

Mr Boldrini: My name is Piero Boldrini and I will be available to offer any explanation you request, but I would be a little bit hesitant to answer oral questions or comments. I would prefer to do it in writing. I am getting a little bit old and so I am a little bit rusty.

The Chair: Do not be nervous and do not worry about a thing. Make your presentation. I will ask the members to put their questions on the record and you can write to us afterwards.

Mr Boldrini: I will be able to explain. No, I am not nervous. This morning I presented to the office of the clerk a revised version of my brief which has some improvement. You may say it needs more improvement and a little bit of addition. I accept the first part of the comment—I would certainly accept it—but I am here to make only two points, which are in the title of my brief.

Let me tell you, first of all, that in appendix C of my brief, on page 15, the initial statement and the objectives of the group are outlined.

I have the double purpose which is in the title: first, to suggest the direction in which Bill 143 should go, and the direction is the ecosystem approach and, second, to ask you to stop pseudo-technological terrorism, which Bill 143 seems to reinforce.

When some of you members sat down in your car this morning, all of you had no doubt about the direction in which to go, though some may have a little variation. So, first you choose the direction and, second, your speed, etc.

I will only explain in the positive side three figures which are in my brief on pages 10, 11 and 12. I will start on page 12. This picture represents the definition of "environment" as listed in the Environmental Assessment Act. It is on the back of the letterhead of the group. I think everybody can see it—green. The inside polygon represents the items which are outlined there and represent the definition in the Environmental Assessment Act.

In addition to that, the group connects all the items mentioned, and it wants to indicate in this way that there are interrelations between those factors. "Interrelation" means there is a direct way to go from one corner to the other, but there is almost an infinite number of ways to go from one corner to the other if you take a zigzag way. "Interaction" means many other things. There are two additional: There is another polygon representing the energy which makes ecosystems work and, finally, the biosphere, which includes ecosystems.

So you can see our suggestion for the direction of the bill, of which we are strongly critical, and you can read those criticisms there. I will not present things that you have already heard many times. I hope I am able to present something that you have not yet heard.

On page 13, that little picture represents human values. Many groups and many people came to you and took any of those pictures from the two opposite corners and stretched and talked about only one direction; in fact, a one-way direction. One way means one thing only: technology, culture, economics, ethics—not many talk about ethics—politics—I guess many do with you—social. Ecosystem integrity includes all these values, and this is a big miss in the bill. Indeed, it is a big miss from the majority and I have heard approximately only one third of the presentations made to this committee.

Finally, the third picture on page 11: Sometimes hearing your proceedings I am not sure I find myself in Ontario here. I think I am living on another planet with respect to some of the presenters or some of the questions asked. I would suggest you remind yourselves that you are living in the Ontario ecosystem; you have to pay attention to it.

Again, nothing here is new. I am simply reminding you. Perhaps the geometric presentation is new. This Ontario ecosystem is in the first edition of the Canadian Encyclopedia and is divided into six bioregions. The bill has a strongly different effect on any of these bioregions. Again, I do not like what the bill seems to suggest, taking a corner, stretching, making of all the Ontario ecosystems a one-way street. I do not like that.

In my presentation I define what is an ecosystem, what is the ecosystem approach, and I do this simply because the Minister of the Environment—I am not very familiar with this place, but I heard twice when she was in opposition stating that the difference between her group and other groups was the ecosystem approach. I took that at face value. I do not think she has used that opportunity, at least up to now. She had three strong occasions, the OWMC hearing, the timber management hearing and especially the Ontario Hydro hearing. If you will not stop, Mr Chair, I have something very strong on the last year in the Ontario Hydro hearings. I repeat in my brief, many of you know what an ecosystem is, an ecosystem approach. Those who do not, have to read.

Pseudo-technological terrorism is nothing new again. There is a Canadian psychologist known all over the world, Dr Miller, the University of New Brunswick, who wrote a book a few months ago. I read to you only the titles of three of his articles which I have with me: Tunnel Vision in Environmental Management, 1982, The Influence of Personal Biases on Environmental Problem-Solving, and finally the third one, which is the strong one which inspired my strong language to follow, Psychopathology among Environmental Professionals. It tells you that many environmental professionals have something in their mind not working correctly, a personality disorder. I was surprised when I heard this for the first time. I wrote many letters; I corresponded with him. I think he is right, and he is recognized to be unique in the world and his book is very tough. I am not able to read from it, but his articles are understandable.

At the environmental assessment hearings, pseudo-technological terrorists provided incomplete and misleading evidence in order to hide the direct connection between the source of contamination and its target. This is the famous

link, cause and effect, and this is the difficult link, but it is a crucial one. Pseudo-technological terrorists are very clever in that respect. For instance, in approving an incinerator, the Environmental Assessment Board put on the incinerator the wrong conditions: on the conditions asking for monitoring, the wrong contaminants list. Two lawyers from MOE did that, one from the previous previous minister and another from the previous minister.

I go now to page 9 of my brief, where I have added a few examples of this language, which I hope you accept as professional language because I am a professional. I gave you the references. Where I listed in the new version, the revised version with the date of today, I listed a few extra cases, and I have two more which I wrote this morning while coming here.

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A hallmark of the modern age has been the false belief that the world could be saved only by technological quick fixes or tricks. Politicians are recognized for this. I hope I do not offend anybody, but that is the feeling. Technological terrorism was described by Professor Ellul, who wrote many books starting in 1950, and on this shaky pedestal another one has been built now, that of pseudo-technological terrorism. Now we are in a phase of double false belief, which falsifies even the technology, besides and beyond inflating its effect.

Typical pseudo-technological terrorist jargon to an environmental hearing where I went, generally on landfills, is the following: "The data show that the water table is slanted towards the landfill and not away from it. This means that even the small potential contamination, below the provincial standards and guidelines, tends to remain within the landfill and does not migrate away from it." It is completely false and misleading, evidently. These are the correct buzzwords, but the realities are that the data show that the water table is slanted away from the landfill and towards the neighbours, and the chemical contamination is always higher, so the technological terrorists falsify their data.

There are a few corollaries deriving from this. Pseudo-technological terrorists have dubious technological qualifications. They simulate those too, and they are accountable only to their own vicious circle and to themselves, and they can only prosper within this vicious circle. Dr Miller is stating that, and I would recommend at least the last article of his, which is about a strong psychopathology among environmental professionals, to prove at least part of what I am stating for you.

In the last year and a half, the new Minister of the Environment hired at least two of these pseudo-technological terrorists among her staff, and I guess that is perfectly legal, but what is not acceptable is that they are being hired in the civil service at the Ministry of the Environment, including the office of—is it waste management or waste recycling? I lose the titles of the offices; they change so frequently, so I do not keep track of all of them.

There are psychological terrorists present in the Environment Assessment Board, the Ontario Energy Board, Ontario Hydro, etc, and I am sure you do not want me to give you names. I would not give that. I fight sins, not sinners. I

have lost the physical strength to fight sinners, but I have a lot of strength to fight sins.

I cannot accept that this pseudo-technological terrorism be represented directly in the civil service, by people who have abused the process of intervenor funding, for instance, which is another recent addition to this personality disorder; people being given money, and a lot of it, without even completing their applications. The Lieutenant Governor in Council has one of them, for example, these days. I repeat, people, intervenors getting money, intervenor funding, without filling out the application.

Ruth Grier, when she was in the opposition, as did the past Minister of the Environment, received from me falsified chemical analysis performed at the Ministry of the Environment. It is a technique I use because I do not trust politicians too much, so if I go in one direction, to be sure, I go to one side of the opposition. The Minister of the Environment, Mr Bradley, did not answer, but stopped the analysis at that time. Ruth Grier had an explanation, and I have here the documentation I passed to her, but now she does not answer my letters. She seems to be supporting the psychological terrorists in her ministry. I am referring to falsified chemical analysis presented to environmental assessment hearings. I have a lot of documentation in that respect. In fact, imagine what you have—and in my brief I explain—on air analysis in Ontario. Air changes from one fraction of a second to the next, so imagine what a mess the air analysis is.

From the above conclusions, and from two more I have in front of me, it is clear that I do not see that the new authority has any potential of success unless you, the legislators, put an end to pseudo-technological terrorism. We still remember the failure of an office the former minister introduced a few years ago. It failed. I do not know exactly the reason, but I guess it has something to do with this pseudo-technological terrorism I am trying to present to you.

In summary, what do psychological terrorists do? They fudge, invent, cover up contamination at landfills. They package the pseudo-results they decide to pass to the public in a pseudo-safety-packaged envelope. I gave some examples. Another example I heard of is the landfill where Ruth Grier has the falsified analysis. The data show that the quality of water did not change and remained within the "reasonable use limits." This jargon only means, on the contrary, that the data changed; contamination increased, it was explained by the MOE lawyer at that hearing, only within 10% per year, which means, of course, that if it is 11%, the pseudo-technological terrorists turn the level to 9.9%, so that is fine.

The Chair: You have one minute left.

Mr Boldrini: Another example of which I have the proof in my hand, given by MOE, is a chemical analysis that was performed by taking three samples and averaging the results. Reality shows—the reality in my hand—that instead one sample was taken and divided by three; and this is not the worst case. I have cases of analysis divided by 10, by 100, by 1,000. The case of the 1,000 is a serious

one, because the consultant of the board was a high civil servant, now at the Ministry of the Attorney General.

I ask you to break this vicious circle of pseudo-technological terrorism, which I hope is clear to you, because Ontario, like New York—New York has a mob tax, which hikes prices of clothes. A few days ago, one week ago, it was stated in the Star that Ontario has a mob tax, paid because pseudo-technological terrorists work at MOE, EAB, etc. Thank you.

The Chair: Thank you very much for your presentation. We appreciate you coming before the committee today, and as we said earlier, if there is additional information, please feel free to communicate with us in writing.

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JOAN PHILLIPS

The Chair: I would like to call next Joan Phillips. You have 20 minutes for your presentation. Please come forward. We would ask you to leave a few minutes at the end, if you would, for questions from committee members. Please have a seat. Speak right into the microphone. Do not be nervous. Welcome.

Mrs Phillips: Good afternoon, Madam Chairperson, members and fellow citizens. You have had all manner of experts and consultants speak to you over the past weeks and by now you must feel buried in reports, information and rhetoric. I think you are very patient, actually, and well-mannered. I thought you might like to hear from someone from Mississauga with absolutely no vested interest and who has been immersed in garbage and the garbage business at a grass-roots level since the pre-history of good waste management which, believe it or not, is only about seven years ago.

In 1985 as a volunteer, I started promoting the blue box system in Mississauga and was then asked to become executive director of Mississauga Clean City Campaign, which is a non-profit group funded in part by the city of Mississauga to promote good waste management. I am only going to give you the rest of this to, I suppose, convince you that I have been there in the trenches.

In 1986 Mississauga became the first city after Kitchener to commit to a 90,000 residential blue box program. Incidentally, as a matter of interest, they pre-dated Ontario Multi-Material Recycling Inc so they received no funding from that organization. They were ahead of their time and continued to add initiatives to keep them in the forefront of good waste management. Over the next six years I ran one of the first multimaterial recycling depots in Canada, started a blue box program in the schools, did a pilot project in multiunit dwellings—that is five years ago, by the way—participated in, instigated or organized presentations to over 100,000 school children, an education package which won a special Recycling Council of Ontario award, etc. And I handled about 50,000 phone calls about the 3Rs from citizens, businesses, and others. Incidentally, many of these calls were from cities, provinces and other countries.

I left the business last year because, frankly, I was tired of working 60 hours a week and trying to go around in half a dozen conflicting or merging circles. I had great respect

for my board of directors and the city, but still the frustrations piled up.

After studying this bill and other relevant documents I realized I could relate the reasons for my support of this bill to my frustrations with good waste management. Certain phrases, like “spokes of the wheel,” “state of the art,” “another meeting,” “We’ll have to wait for proposed legislation,” began to invoke instant frustration. Not that they are not always valid, but they always incur more delays, studies and wasted time.

Let us look at the spokes of the wheel: There are the feds, the province, the region, the city, the interest groups, OMMRI, the Waste Reduction Advisory Committee, all the various ministries and departments within these organizations, and even US regulations which, as you know, in many cases affect our markets and business initiatives. Someone has to take a stand to say, “Enough, let’s get on with it.” We will take the tough road, which hopefully will also be the right road.

Quickly, I would like to comment on just some of the bumps on that road. One, the extra lift at Britannia and Keele Valley. I have heard we have a crisis. I have heard we do not have a crisis. I can only speak for the region of Peel. Where will we put the garbage after May/June of this year? We might shirk our responsibility and ship it to someone else’s backyard at an estimated cost of \$209 million over five years—that is, if the States will take it, which is questionable, or if someone in Canada had the approvals, which is rather important. You hear about Kirkland Lake; as far as I know, they have no approvals for that site even if they wanted it.

If I lived close to Britannia I would be very annoyed, I have to be honest. But I hope I would be wise enough to be fighting for more diversions, traffic mitigation initiatives, cleaning up of the garbage and some guarantees that the permanent landfill site process would be on as fast a track as possible.

Here I would like to make a comment about a pet peeve of mine, and that is household hazardous waste. A deputant stated, “We are only dealing here with harmless, household hazardous waste,” and you all know how ridiculous that is. I realize it is not part of this bill, but maybe somebody here could keep it in mind: The current laws on household hazardous waste are ridiculous. If you bury your medicines, solvents, poisons, batteries—you know the list—in a green bag and put it at the curb, it can sit there overnight, be collected, crushed and transported by a packer truck. If you wanted to collect it separately, safely, or take it to a hazardous waste dropoff for proper disposal, it has to be manifested and transported in a very costly manner.

I just wonder if anybody is lobbying for more sensible regulations that would enable household hazardous wastes to be collected in a separate, childproof container at the curb without a manifest system. It would be much safer for the garbage workers and go a long way to cleaning up the garbage before it gets to the landfill.

This bill does not directly address the recycling markets, but I guarantee if you mention maximum diversion or recycling, you will hear about the recycling market problems.

What nonsense we hear. Do not misunderstand. We all know there are difficulties and much work needs to be done, but let's take an example. Newspaper markets have fluctuated for 15 years, to my knowledge. Every time they take a dip, the doomsayers, the waste management industry and many politicians say recycling will never work and some threatened to cancel recycling programs, but when the gold market or the stock market takes a dip, nobody says, "Gold will never work" or "Let's get rid of the stock market." There seems to be a different criteria when it comes to recycling.

The newspaper market is recovering, with the new Atlantic Packaging mill and a few more de-inking mills in the works. We must also stop talking about markets, which infer selling at a profit, and talk about end users. It is wonderful and very desirable to make money on recycling markets, and this should be encouraged, but an end user who takes the product for a useful purpose and pays little or nothing is better than the material being dumped and wasted.

An example close to home: Several years ago it was an "established" fact that telephone books could not be recycled. We did not even mention recycling telephone books; we said, "Oh, that's ridiculous." Upon lobbying the city of Mississauga, and it was always very receptive to ideas, I was told that if I could find a market, it would collect them in the blue box. I found an end user who collected from the recycling facility and found good use for them, but no money changed hands. They did not go to the dump and somebody made good use of them. Many cities now collect telephone books. In a perfect world, and I hope we get to this point, Bell Telephone would pay for the collection and the books, but in our imperfect world at least they were not dumped.

Incidentally, and I do not have the calculations with me, but I did a lot of work on this at one time. You talk about reductions: If Bell Telephone issued its telephone books every 15 months instead of every year—and really who would care—that would cut down its garbage by 25%. There are a lot of those types of initiatives around.

We should work towards the generator or producer paying for costs incurred in processing and handling of secondary-use materials. There should be inducements to encourage manufacturers to use recycled material instead of virgin material. You all know that we have to give them a level playing field by not subsidizing the virgin material users.

Certainly there are problems, but evolutionary changes and a clearly defined commitment to recycling will help. Some years ago in Germany several mills promised to put in de-inking facilities if they could have commitments from government that recycling would increase and guarantee the supply of recycled news and that incineration would not increase, which they felt would impede the supply of material.

A comment on business in general: I was in business for a good part of my life; my husband owned a business. God bless business and the jobs it creates, particularly right now. However, watching these hearings, I have developed a sense almost of guilt, because this bill was not approved

by business before being presented to the people as represented by the Legislature. The people of this province voted for elected representatives who hopefully, and I believe they do, have the good of the people as a first priority. They did not vote for business, who usually have the good of the bottom line as their priority.

Certainly, and especially in these difficult economic times, business should in all ways possible be assisted or considered when laws affecting their viability are made. Certainly some of our waste management businesses have been crucial in the advancement of recycling techniques and programs. A simple example: without Laidlaw Waste Systems envisioning the growth and potential profit in recycling, would we in Ontario be as far ahead as we are?

As society changes and evolves, business evolves with it. The electric lightbulb was a terrible blow to the candle makers and gas filament manufacturers. The automobile was certainly a blow to the horse breeders. But business survived, diversified and evolved. Just one quick example, and you probably read about it lately: the problems that Canadian Pacific Forest Products are having closing mills. Interestingly, the ones staying open are the mills where they have spent the money to install de-inking technology. This technical development was instigated by a demand for recycled content and an overabundance of newspaper collected by recycling.

1610

With recycled produce, the laws of supply and demand are often reversed. As you know, the supply comes before the demand, and it seems that we have to go through that process. I believe any pressure by this bill to push our businesses into the future of good waste management, will in the long term help them to be ahead of the game and competitive, especially in the US, where recycled content regulations are slowly piling up in the different states.

Waste and packaging audits and work plans are probably the single best tool to reduce garbage, and in most cases cut business expenses. They are of course addressed in Initiatives Paper No 1, which relies for implementation on the passage of this bill with its intent and philosophy intact. Another little aside: the packaging initiatives opened up by this bill will be welcomed by many retailers. It is nice to get a lot of phone calls about this. Retailers have a great problem with shelf space and would love to see packaging reduced.

Commitment from all sectors to maximum diversion: The previous Liberal government, as you know, set the targets of 50% diversion by 2000. This government has honoured that target and indeed said a minimum of 50% and is trying to put the infrastructure in place to make it happen. What of the doomsayers again, who say people will just not reduce, reuse and recycle to the maximum of about 80%, which I believe is possible?

Well, back to prehistory. Seven years ago they said the blue box would never work. We made it work, maybe not to perfection but to a standard that is the envy of the world. Even with opposition from many municipalities and some of the waste management companies and the markets, we did it. "Okay," people say, "but that was easy; the blue box is easy." Well, it was not easy at the time. One aspect is

much easier now and that is the public awareness, and even anticipation of drastic change to come.

Regarding banning of incineration and refuse-derived fuel, I have really heard quite a lot about this today. But it is only about six years ago when most people believed in the garbage fairy. Subsequent experiences have to some extent enlightened all sectors that there is no garbage fairy; we must take responsibility ourselves if we are to save energy, natural resources and land. But incineration is right back to the garbage fairy, only it is not a benign, kindly spirit. It is a sleight of hand. You hear it called the landfill in the sky, a diversion from responsibility. The only problem it really solves is the profit factor for the company involved.

With specific reference to St Lawrence Cement's refuse-derived fuel incineration proposal, just a few comments; I think I am probably repeating here. It needs high-BTU fluff garbage, which, as you know, is mainly paper and plastic, and needs 100,000 tonnes per year to replace 20% of SLC's fuel. This paper and plastic is the very material we must retrieve. SLC will comment that this is contaminated paper. I do not have time to address that subject; it is a foolish notion which they cannot prove. Industry is working on many of the contaminants now to clean the materials up. Retrieving the paper fibres will save trees, retrieving the plastic will save oil. I do not know if anybody has mentioned the fact that the higher the plastic content, the higher the chlorine content, the higher the emissions of dioxin and furans.

It was suggested to me that I do a report on the effect the SLC incinerator would have on the 3Rs. At the end of about four days of browsing through their documentation, I realized it was impossible because it was unclear where their garbage would come from, what the composition would be, what technology they would use and what would be front-end sorted. Even their basic stats vary. In their presentation to you they stated that 50,000 tonnes a year would be recovered at the front end; all their other reports stated only 10,000 tonnes of recovery. I do not believe either figure.

There is an executive summary of the draft. It has a long name: Report Assessment of Waste Management Practices in the Greater Toronto Area and Their Effect on the Availability of Waste for Use as Refuse-Derived Fuel at St Lawrence Cement. It was prepared for the SLC fuel cost reduction study, environmental assessment, and is included in the presentation made to this committee. It is the executive draft; the full document is not available for the public, not available to be studied. Along with no empirical data, no final document 8, it is like grabbing at air, and polluted air at that.

SLC states that it is a pity it cannot go to an EA, because for one thing its community liaison committee has worked so hard on the project. I was a member of that community liaison team from the beginning. I did work hard—opposing the proposal, as did the organization I worked for. It is contrary to all the philosophies of reduction, reuse and recycling. It creates a need for garbage. Indeed, it was twice mentioned to me by St Lawrence Cement that I might be hired to oversee its front-end recycling

system. I suppose there are more ways to kill a cat than burying it in cement.

Should they be entitled to go to an EA? No, I do not think so. It is ridiculous to believe that every proponent who can gather together enough money, consultants and reports has the God-given right to an EA. They are very expensive, time-consuming and, even with intervenor funding and participant funding, unfair on the opponents, usually local interest and ratepayers groups. It is never a level playing field and especially unfair in these tight economic times when government is trying to reduce expenses. We elect a government to set regulations and standards for us. If every decision made by government went to a hearing, why would we need a government? We could govern by hearings.

St Lawrence Cement—I hope you do not think this is cute, but I really could not resist—brought you some German garbage laced with aluminum and metal and processed into pellets. I thought you might like to see some garbage which was rescued by Waste Wise. I went up to their facility, to their opening, which was very exciting. The facility is not finished yet, but they really are taking items that would be wasted and saving them. This one is a little bird. Actually, I gave it to my mother because she likes birds.

The Chair: You have one minute remaining in your time.

Mrs Phillips: Okay, sorry. This is a very nice little cut-glass jug. The system works.

I have spent hundreds of hours researching and preparing a waste minimization strategy and I have sorted garbage several days. I even did it on TV once for all the world to see. That was several years ago, but it was really amazing how little was actually garbage. When we look to the future and remove the compostables and items it is feasible to recycle, we end up with about 15% by volume, mainly composed of disposable diapers and styrofoam. With the proper legislation and clear directives from government, we can end up eventually with a very small amount of basically inert garbage.

Can we do it on a large scale? Yes. I will not repeat the many initiatives—I do not have time anyway—that you have heard from many sources. It would take too long. What I really came today to say to you patient people is that I think we really now have to get on with it. We have talked about good waste management for a long time, and we have done some things, but now I think we have to take a giant step. As a taxpayer and voter, I appeal to all parties to forget their partisanship in this important issue. Fight for more tough regulations, believe in the vision and push the government for more. Do not deplete the powers for change, but make sure they are used wisely.

If anybody is worried that the authorities reaffirmed by this bill will be misused in the future, surely you people around this table, good people, have enough faith in the people in your parties to faithfully and honestly pursue the philosophy and goals of this bill when they are next in power. I believe good waste management will not only save our precious resources for our children, but will also

be the consciousness raiser for other environmental issues. Indeed, it is impossible to discuss any environmental subject that does not in some way involve garbage. The hole in the ozone layer is not created by the CFCs in your fridge but by the ones that escape during repair or demolition.

The Chair: Thank you very much for your presentation. If you have anything further you would like to share with the committee, you may do so in writing. The time for your presentation has expired. Thank you for appearing before us today. If any members have questions they would like to ask, just quickly put them on the record and then Mrs Phillips can respond in writing. Mrs Mathysen.

Mrs Mathysen: I know the toll that the hours take, but I hope that if you have a bit of a respite you will be there for the people who need you as an environmentalist.

Mrs Phillips: Thank you.

Mrs Mathysen: My question is, does banning incineration and transport flaw the EA process?

The Chair: Thank you very much. Any further questions for the record? Thank you very much for appearing today. We do appreciate your coming before the committee.

The standing committee on social development stands in recess now until our next presentation, which is at 4:40. I believe we have scheduled a subcommittee meeting of the steering committee. The subcommittee members have been notified and have agreed. I ask everyone else to use this recess to stretch your legs and that the subcommittee members remain. Please clear the room. The subcommittee meeting is in camera.

The committee recessed at 1622.

1644

LISA JENSEN

The Chair: The standing committee on social development is now in session. Lisa Jensen, you had a presentation to begin at 4:40. You have 20 minutes for your presentation. We welcome you before the committee. Please try and leave a few minutes at the end for questions from committee members

Ms Jensen: I come to this committee as a concerned Kirkland Lake resident and a member of the public. I am here because there were so many people in Kirkland Lake who wished to speak to this committee that I was on the wait list and fairly far down, so I chose to come here.

My presentation deals with two areas of Bill 143: part II of the act, regarding the prohibition of exporting waste to other regions, and part IV of the act, regarding the various strategies to implement the 3Rs to reduce waste.

I support the principle in Bill 143 to prohibit waste export. This prohibition has a very important impact on protecting the resources of Kirkland Lake to prevent the use of the former Adams mine as a landfill. There are three points I want to bring up about the Adams mine proposal. First of all, the host communities are not willing. The area around the Adams mine has a great many resources. The last point I want to make is that old mines are not just empty holes. They may be a valuable resource that we will want to tap at some point in the future.

The Adams mine proposal has been a topic of hot debate around Kirkland Lake, but there has been a lot of misinformation on the topic. I might just point out to you—I do not have a copy of this—that this is an example of what every Kirkland Lake resident received in his or her mailbox during the municipal election. It promises that an environmental assessment for the Adams mine proposal will ensure safety and that it is only a study; we will get lots of jobs, we can have a study and then we can decide. I have great concerns about this, because who is going to spend hundreds of thousands of dollars or possibly millions of dollars for an environmental assessment and then cancel the project?

I bring that up because of the referendum in the Kirkland Lake municipal election. The Timiskaming Anti-Garbage Coalition conducted a telephone survey in November 1990 in which it asked the question, are you in favour of accepting Toronto's garbage? This is a much clearer question than that in the municipal referendum. Every third non-commercial number in the directory from all the surrounding communities, including unorganized townships, was called. A total of 1,100 calls were completed and of those calls the results were clear, that 60% of the respondents were opposed to accepting Toronto's garbage.

The support this project has gotten from some local politicians must be understood in the light of the economic climate of the area. Kirkland Lake is suffering terribly from the recession and from numerous mine closures. In the last year I have subsisted on eight different contracts. One of those is teaching at the local college. I teach a lot of former miners who are back at school for retraining. These people are in their 30s, 40s or 50s and their skills are very low in such things as mathematics and communications. They are trying to retrain for another trade when all their lives they have worked in mines. Many of them do not hold much hope for being employed in what they are training in when they graduate. This sets the stage for communities that feel very desperate, and it makes our community very vulnerable prey to any kind of slick campaign, as we have seen for the Adams mine proposal.

I would draw your attention in my brief to figure 1, a map that shows Kirkland Lake and surrounding communities with the Adams mine. The mine is located on the eastern side of Boston township. There are a great many communities; it is not a hole in the middle of nowhere. There is Dane very close by and Boston Creek is just to the south. Larder Lake, Dobie, King Kirkland: All those communities are unorganized—not Larder Lake, but the others would not have been surveyed in the referendum of Kirkland Lake and are actually closer to the site. Then there are the communities of Kirkland Lake.

You will also notice from my map that there is a lot of water. Exploration drill holes often tap springs. There is an excellent spring just outside Dane on the highway where many people get their drinking water, and this is very close to the mine. An illustration showing one of the potential hazards of putting a landfill on this site is that when there were big blasts at the Adams mine, residents of Round Lake would have orange well water afterwards. The resources we

have are mining and forests and all this water, and tourism is ever-increasing. We have lots of fish.

Then if you look at figure 2, a bit north of Englehart, going south to New Liskeard, there is a large agricultural area. The Adams mine is uphill from the community surrounding it, including this agricultural area. That is another area of concern.

The last point I want to make on the Adams mine proposal is that old mines are not empty holes. The Adams mine is not closed because it has no ore; it is closed because at the moment it is deemed by private industry not to be profitable to ship ore from the north but to ship it by boat from other countries.

A few years ago we had the proposal of storing hazardous waste in abandoned gold mine shafts. This certainly raised the ire of the prospecting community in Kirkland Lake. One way to illustrate that, in thinking of currently inactive mines as a resource, is that one junior Kirkland Lake mining company in joint ventures mined two small, open-pit gold mines on the sites of former gold mines that had been inactive for over 50 years. These are not empty holes. We might want the iron ore in the future; we might want our gold ore in the future.

The last points I want to make in my presentation are about the amendments to the Environmental Protection Act. I see an opportunity in section 33. I hope that at some point these marks could go beyond deposits, that deposit systems and standardized packaging could be expanded, but also maybe there could be a clearly visible disposal tax on non-reusable containers. The GST has shown everybody how invisible tax affects people. I think this would be a good idea to reduce our waste.

1650

In summary I will just say I support the Waste Management Act, particularly for the courage to ban waste export. I also support the initiatives in part IV of the act to reduce our waste. Thank you.

The Chair: Thank you very much for your presentation. We appreciate your coming to the committee today.

Mrs Marland: Ms Jensen, I wonder what your community did during the election. We heard from an earlier presenter this afternoon that 50% of your council was a new council. If people outside Kirkland Lake are to support the willing host idea, and there is some misunderstanding about whether Kirkland Lake is a willing host, I would have thought that would be a very big issue during the campaign and the election of council last November. I must admit that I have not visited there, but the willing host concept makes some sense to me if it is environmentally safe. I thought that until yesterday when I saw a photograph of the Adams mine in the CN brochure. I did not realize it had so much water in the bottom of it.

I really would have a lot of questions about that aspect myself. How involved did the community become, and did you use that as an opportunity? If you do not want Toronto's garbage or anybody else's garbage, the people who are in a position to make that decision on your behalf were elected only three months ago.

Ms Jensen: I was involved in the municipal campaign. I worked in the John Epps campaign. It was very difficult. In this election everything was overshadowed by the Adams mine resource information centre in town. A huge storefront was opened up with free coffee and doughnuts and presentations and was open long hours. A few days before the election little green "yes" signs appeared all over town. The amount of money spent on the "yes" vote during the election overshadowed just about everything else that other people did. There were so many conflicting facts flying around that it was very confusing, I think, for many people.

Mr Wiseman: I am very interested in the section where it talks about results of this telephone poll in Kirkland Lake, Dobie, Larder Lake, Dane, Round Lake, Boston Creek and Englehart. My question has to do with the willing host. The region of Durham has designated Pickering as willing host, against the wishes of the residents. The entire council in Pickering has voted: "We don't want any more of Metro's garbage. We think that 30 years of smelling Metro's misrun garbage dumps is long enough." But that did not matter. They were still designated as "willing host" because they are part of the region of Durham.

I would like you to take some time to explain. When I look at your map, the Adams mine is not in Kirkland Lake.

Ms Jensen: That is correct.

Mr Wiseman: It is not even close to Kirkland Lake.

Ms Jensen: Well, it is. If you look, it is actually a little over 10 miles, so it is actually quite close, but Kirkland Lake is not the closest community to the site.

Mr Wiseman: My question is, how many of the people who live around the Adams mine were allowed to vote in the election for the mayor and council of Kirkland Lake?

Ms Jensen: The residents of Dane, the residents of Boston Creek, the residents of Dobie, the people who have cottages or live around Round Lake, all of the people who live along those highways are in unorganized townships and had no vote whatsoever in the referendum or in the election.

Mr Wiseman: You can correct me if I am wrong, but what you are saying is that the people who are going to be most immediately affected by the decision to go to Kirkland Lake have not had a say in whether or not they want Metro's garbage to come to the north.

Ms Jensen: That is correct.

Mr McClelland: Thanks for being here this afternoon. Just after your introduction you mentioned that you "support the principle of local responsibility for waste produced and the prohibition of waste export" as set out in part II of Bill 143. Many of the municipalities and representatives of municipalities that have come before the committee have said: "We're very happy to accept that responsibility, but we would also like to have some say in the management of it inasmuch as we are going to (1) be responsible for the cost and (2) accept the responsibility locally. We also would like to have the responsibility and, if you will, the accountability in terms of management of

waste systems." Do you think this is a reasonable position for municipalities and municipal governments to take: "We'll deal with our own waste; we want to be a part of the solution; please let us have the handles on the operation and management of the waste systems in our own municipality"?

Ms Jensen: If I understand you, that sounds reasonable.

Mr McClelland: I simply say that because of one of the great complaints of municipal governments coming forward to this committee. Those municipalities say: "We want to handle our own. Bill 143 removes from us the ability to manage and deal with it on our own. The only thing we get to do is collect the taxes. We don't get to manage." I think there is a sense in terms of the argument of equity, if you will, that has to flow through all the way. If the municipality accepts it locally, then surely it should have some say in the management of it.

Ms Jensen: Not having legal training, I cannot read the act and understand it as a lawyer would, but my understanding of the section in part II that deals with prohibiting export of waste I think is a very important principle and a really courageous step.

Mr McClelland: Yes, and I say that if you accept that principle, then surely the corollary to that principle is that you accept the principle that if it stays locally, then management and operation and accountability stay locally as well, which has been the position of many municipal governments that have come before this committee.

Mr Martin: I would just like to explore with you a little further the issue of Kirkland Lake as host to the garbage of Metro and the proposed industrial benefits to the area. I think we need to explore that a little bit too. Is there in your mind and in the minds of the people you represent any way that this project would have any viability?

Ms Jensen: In my opinion, the Adams mine proposal looks like a Trojan horse. The recycling is this attractive horse, and inside that horse is lurking tons and tons and tons of garbage to go into a pit that has been blasted for years, that is linked up to a network of rivers and streams and springs. Personally, I have very serious reservations about this proposal and would be opposed to it. However, there is no doubt that Kirkland Lake desperately needs some economic initiatives, and this is something I am personally interested in seeing happen.

The Chair: Thank you for appearing today before the committee. We appreciate you coming. If there is additional information you would like to share with the committee, please feel free to communicate with us in writing.

1700

MISSISSAUGA LANDFILL SITE LIAISON COMMITTEE

The Chair: I would like to call next our last presentation for the day, Mississauga Landfill Site Liaison Committee. Please come forward. Begin your presentation by introducing yourselves to the committee. You have 20 minutes, and if you would leave a few minutes for questions, we would appreciate it. Please begin now.

Ms Howard: Good afternoon. My name is Donna Howard and I am chairwoman for the Mississauga Landfill Site Liaison Committee. I would like to start with some general comments to let you know who we are and why we are here today.

Our group was established in 1988 to represent resident views on waste management and landfill sites selection. We have been actively and positively participating in waste-related municipal and regional meetings as well as all public and special meetings over the past three and a half years. We provided input and suggested alternatives and changes which have been incorporated into the draft Peel regional plan, the 40-year waste management master plan and the Peel long-term site search plan.

Over the years, we have tried to establish lines of communication with the Ministry of the Environment. Most of those attempts, however, were not even acknowledged and correspondence and information that was forwarded were said to have not been received or lost, let alone being responded to in any manner. Questions asked at public meetings of the MOE representatives from this provincial government and of the previous government have never been answered.

We have actively participated in SWISC sessions and the IWA workshops. We have contributed data and suggestions and discussed at length site selection criteria and the absence of alternatives. Along with most participants in the IWA workshops, we are still waiting for the long list of candidate sites, which we were advised was available in December 1991 but would not be presented until Bill 143 was approved.

The same bill is why we are here today. As countries all over the world are moving away from dictatorial situations, we in Ontario more and more often are having dictatorial policies constantly imposed upon us. Bill 143 is such a policy. We will discuss an overview of the problems as we see them in Bill 143.

Each of the four parts should have been a separate bill.

It closes doors to long-term options. In particular, incineration and handling waste outside of the GTA are not allowed to be discussed or considered.

It diminishes the rights of the public and provides no recourse. It began by not allowing widespread opportunity for public input into the bill, followed by no public forum to discuss issues set forth in Bill 143 without extreme pressures brought to bear by many of you who are sitting at this committee today.

Most measures of protection for the public and the affected municipalities in the bill are negated by clauses beginning with or containing "unless," "despite," "may extend" and "consent shall be deemed to have been given."

The EA proposed for the long-term waste disposal sites does not allow all alternatives and options to be discussed. Why should any minister have the authority to dictate what shall or shall not be part of an EA procedure? We are not aware that the EAA had been amended to include this type of interference by the Minister of the Environment.

Last but not least, Bill 143 provides too much power to one minister or to a director which he or she has the authority

to appoint. Where are the checks and balances a democratic system must offer?

The detailed review of Bill 143: Sherry Lee and I will just briefly discuss some of the sections specifically in the bill that we feel should be either revised or eliminated.

Part I, Interim Waste Authority Ltd: "Interim" implies temporary. If so, then who has the authority for waste management in the long term?

Subsection 3(5): "Taking more land than required" is the title here, and section 4 is "Hardship." We feel that we need further explanation of both of those sections so that we can understand the full impact of what is actually being stated there.

Section 8, paragraphs 1 and 5, inspection without a warrant: Paragraph 1 states, "At least seven days before entering to carry out an inspection, the corporation shall, by personal service or by prepaid mail, serve a written notice of the inspection upon the owners and occupants of the land." Paragraph 5 states, "An inspector shall only enter on land to carry out an inspection between the hours of 6 am and 9 pm"—we really wondered about the 6 o'clock hour as well. We have not stated it here, but we did wonder about that. Then we have this "unless." You have said they can carry out the inspection between the hours of 6 am and 9 pm "unless, after or concurrent with serving the notice under paragraph 1, the corporation has given at least 24 hours' written notice of the intent to inspect the land at other hours to the occupants." My comment is that therefore paragraph 5 negates what was set forth in paragraph 1, and the last part of paragraph 5 even negates what was set forth in the first part of that paragraph 5.

Section 9, inspection warrant, subsections (2), (3) and (4): Subsection (2) states, "A warrant shall specify the hours and days during which it may be executed and name a date on which it expires, which shall be not later than 90 days after its issue." That seemed fairly straightforward.

Subsection (3) states, "A judge or justice of the peace may..."

"(a) before or after the warrant expires, extend the date on which it expires for one or more periods each of which is not to be than 90 days; or

"(b) before the warrant expires, amend the warrant."

So much for the one period of 90 days set forth in subsection (2). Subsection (3) allows for multiple 90-day extensions.

Subsection (4) states, "Despite subsections (2) and (3)"—what was just read—"a judge or justice of the peace may issue or extend a warrant for a period exceeding 90 days." Subsection (4) totally negates everything in subsections (2) and (3) and allows a judge or a justice of the peace to issue or extend a warrant beyond the 90-day period, as long as seven days' written notice is given in the manner described in paragraphs 1 and 3 of section 8.

Section 10, inspection with warrant: Paragraph 1 states, "The warrant shall be executed between the hours of 6 am and 9 pm unless it provides otherwise." Well, that made a lot of sense; that was totally incredible. In part II it did not get much better, and that was only the first part.

Part II, waste disposal sites, subsection 12(1), paragraphs 1, 2 and 3, one landfill waste disposal site to be

located in the regional municipality of Peel, Durham and York or the municipality of Toronto having as its primary function the disposal of waste: We feel that primary function must be fully explained and the other functions that are implied here have to be described.

Section 14, environmental assessment, subsections (1) and (2): Subsection (1), in summary, states that an environmental assessment for a landfill waste disposal site referred to in section 12 is not required to contain any description of or statement of the rationale for or evaluation of any matter relating to any alternative other than reduction in the amount of waste generated, reuse or recycling of materials that are or could become waste or use of other single landfill waste disposal sites in the primary service area. Subsection (2), in summary, states that the environmental assessment is not required to contain any description of or statement of the rationale for or any description or evaluation of any matter relating to an alternative that would involve incineration of waste or the transportation of waste from the primary service area.

So much for the protection of rights of the public to a full environmental assessment.

Section 15, policies: Section 15 simply and directly states that, "The Minister of the Environment may establish policies for the purposes of this part"—for ever, I guess. This section provides the minister unlimited power and authority to continue to establish policies outside the limits of this bill, with no suggestion of consultation with the public, municipalities or regions mentioned or implied.

Subsection 16(3), apparent bias: Subsection (3) needs clarification.

Now I would just ask if Sherry would continue on with parts III and IV for you, please.

1710

Ms Lee: My name is Sherry Lee.

Part III deals with the implementation of the minister's report. Part III on the whole directs too many sweeping, all-encompassing powers to the minister or to the director, with the general public and the municipalities losing control of, as well as the ability to appeal, any waste management policy decisions.

Section 17, waste management systems: This section is most disturbing, as it empowers the Minister of the Environment to order a municipality to "use, maintain, operate, establish, alter, improve, enlarge or extend a waste management system...located in another municipality."

We object to the use of the word "establish," as it implies that new sites may be developed for temporary use. Interim solutions should be limited to short-term extensions of existing systems prior to the completion of long-term operations. These interim solutions are exempt from the environmental assessment process; therefore, to establish any new site by the order of an individual is as far removed from the democratic process as one can imagine.

All legal impediments to the implementation of these interim measures are deleted with such terms as "deemed consent" and "non-application," and also with the complete overriding of all previously granted, binding municipal agreements. Further, the protection previously offered by

the EAA requirements and the Ontario Municipal Board approval are now removed. The present minister, and everyone who ever holds this post in the future, will have absolute power to rule on all waste management issues, and the public will have no avenue to appeal any of their decisions.

Section 18, notification: Requiring only one newspaper notification to announce any of the proposed measures to be undertaken is inadequate. At minimum, these requirements should be the same as the municipality has established for a zoning change or an amendment to its official plan. Further, a complete, credible submission cannot be researched and prepared in only 21 days. A longer time frame should be allowed for the public to respond to a proposal.

Section 19, injurious affection: We were pleased to hear that this section will be deleted. It proposed unfair compensation guidelines.

Part IV, amendments to the Environmental Protection Act: Section 26 of the act empowers the minister or the director with complete authority to order a municipality in all aspects of waste management. Not only does it lack any checks and balances for the elected official, but it also further violates the democratic process by delegating this same authority to the director, an individual appointed by the minister.

The guidelines to establish or eliminate a waste management system lack specifics; the minister need only believe that a measure is "advisable in the public interest."

The issue of managing waste is a contentious, controversial dilemma for governments to deal with at the present time. Viewpoints vary among the professional community as to which methods are indeed the most environmentally sound and cost-effective. In spite of this fact, this bill proposes to allow the beliefs and opinions of a single individual, who may or may not have been elected, to become government policy.

Section 28, packaging: We applaud the intent to reduce the use of excess materials in packaging, but a genuine attempt to establish realistic targets must involve a joint effort among representatives of the manufacturing and business sectors, the government and the public. Together they can work to develop reasonable objectives within reasonable time frames.

We fear that if you establish regulations unique to Ontario, even more businesses will choose to leave our province. While the intention is admirable, unilateral action is inappropriate in the current economic climate.

On the other hand, a team effort in this regard will eventually achieve the most important aspect of the 3R program: reduction. This victory would be accomplished at a national and perhaps even international level, with Ontario leading the way.

In conclusion, we have many concerns regarding Bill 143. The gravest is the scope of the decision-making powers of the minister or an appointed official.

For example, the philosophy of limiting the scope of waste management alternatives to the 3Rs program and landfills is shortsighted, to say the least. We cannot continue to bury our waste indefinitely; better alternatives must be found, and this is highly unlikely to occur under

this scenario. For the 3Rs process to be truly effective, the provincial government must lead by example in developing the effectiveness of the recycling industry. Already, Mississauga has seen one plastic recycling business fall into receivership because the cost of the end product is prohibitively expensive. If you truly intend to see recycling businesses succeed in Ontario, you must initiate positive measures in that direction in both the processing of the materials and the marketing of the finished goods.

The general public, especially home owners and potential home buyers, must wonder who indeed can be trusted. They can no longer depend on assurances from any municipal authority regarding the future use of vacant lands near or adjacent to their property; nor can they rely on the validity of agreements regarding the size and lifespan of existing landfill sites. The appeal process, if it exists, is unclear. It appears that the minister's authority is complete and final, even over the Environmental Assessment Board.

This act will in effect make one individual judge, jury and executioner in all future waste management decisions. We view with great concern any measure that empowers any one person to such a degree, especially when that person is a politician.

The Chair: Thank you very much for your presentation. Mrs Marland?

Mrs Marland: I would like to congratulate Ms Howard and Ms Lee. This is a very thorough, comprehensive analysis of this bill. I am sure you must find it difficult, if not impossible, to understand how some deputations can come before this committee and congratulate this socialist government on this particular piece of legislation.

When you have gone through it section by section the way you have, your testimony this afternoon cannot be treated lightly. It is not that you have done anything on hearsay; you have been so thorough in your evaluation that, in my opinion, the government has to be fair enough to consider the points you have raised.

The question I have, which really is very significant in your brief, is where you refer to the fact that you have been asking this provincial government and the previous government—you have corresponded, and I assume made phone calls—and you have never had any answers. Could you elaborate on that?

Ms Howard: It started, I guess, when we first had an interference by the previous Minister of the Environment, who was with the Liberal government at the time. He halted our process in Peel region. I must tell you that we were trying, we had not really succeeded, but the process was halted none the less. We were asking what could happen from that point and why they had not come to the region in advance of that halt of that particular project. None of those questions was addressed. We carried on by sending correspondence asking various other questions over the last three and a half years, and none of those pieces of correspondence has ever been replied to.

Ms Lee: Or acknowledged.

Ms Howard: Or acknowledged, right. In December of last year, when we had representatives from this new government out from the Ministry of the Environment at our

Peel regional meeting, we did have some very serious questions that we asked about, in particular why incineration would not be considered; why doors would be closed to long-term options such as that and taking out of garbage from this area. None of the questions has ever been addressed.

I also want to tell you something else. As far as we are concerned, this government is our government. Whatever government is in power is our and my government. I expect you all to work on behalf of the citizens in Ontario. I am non-partisan. I do not have any affiliation with one particular party. I affiliate with a person. But I expect when you are here that you all work to serve one purpose. So the NDP government is my government at the moment and I need you to give serious consideration to what is being stated in this bill.

1720

Mr McClelland: Thank you for being here. You mentioned a couple of things I would like to comment on. On page 10, in the last paragraph you mention "all legal impediments." You would see them as legal protections and, rather, the current minister sees them as impediments.

Ms Lee: We were referring to the bill. The bill referred to them as impediments.

Mr McClelland: Impediments. In fairness, you think they are not impediments?

Ms Lee: No, they are definitely protections for us, but in terms of the bill, they are an impediment.

Mr McClelland: I find it curious that prior to the election the minister in fact saw them as protections and in fact spoke most eloquently about her commitment to that.

In terms of your opening statement, moving towards dictatorial policies and noting the fact that generally elsewhere in the world they are moving in the opposite direction, how do you rationalize that with a minister and in fact a government who said their number one priority was environmental, upon election? There is their famous Agenda for People that says they would bring forward an environmental bill of rights. Mrs Grier said that was the cornerstone, the very foundation, of the New Democratic Party's environmental agenda, a bill of rights. How do you square that with what you are saying on page 2 of your brief?

Ms Lee: You cannot. But one of the points we made to Mrs Grier when she came to Mississauga a couple of weeks ago, and Donna made it on behalf of our group, was that we had great respect for Mrs Grier when she was in opposition but we have been very disappointed by the performance she has had now that she is actually in power, very disappointed.

Mr McClelland: Did she respond to that?

The Chair: Thank you, Mr McClelland. Ms Mathysen, two minutes.

Mrs Mathysen: I notice on page 3 that you are concerned that incineration is not an option. I wonder if you have been listening to the testimony. We have heard a great deal of testimony that incineration is very dangerous. My question is that if it does pose a serious health risk, and we have had evidence from doctors that suggests it does, par-

ticularly to children, how can you justify incineration as being part of what you propose as an option?

Ms Howard: How can we not justify it being considered as a long-term option? How can we not justify it? Because as we go along, we will have improvement. There are some incinerators, we know, that do not function the way they should, and you will have emissions going into the air that are dangerous and deadly, and I do not appreciate that. But we have been advised by others that there are incinerators now that have been brought up to today's standards and emissions are being eliminated from those stacks. Now they can be controlled.

The other thing is, what are we doing to the water when we dump it into the ground? We are collecting the leachate. We put the leachate through our filtering plants to be filtered in, and do you know that you cannot get everything out of the water? All of the heavy metals do not come out of the water. So you are drinking it, and that is not good for our children, either.

What I am saying is that I do not like the whole thing. I do not like the scenario that we are in right now, but I think you cannot close doors to any long-term options.

The Chair: Thank you very much for making your presentation before the committee today. We appreciate your taking the time. As I have said to others, if there is additional information that you think would be helpful, please feel free to communicate with us in writing.

Ms Howard: Thank you very much.

The Chair: Thank you. I have asked our research staff to explain to you the document that was tabled with everyone today. Do you want to just take two minutes before we adjourn?

Mr Richmond: I have the honour of distributing one of the longest documents. It summarizes I do not know how many hundreds of pages of deputations. The summary that you have reflects the first two weeks of hearings. An additional summary incorporating this week and next week will be prepared for you. What it does is collect the recommendations and concerns of the deputants expressed here in written submissions and also those deputations of people who only submitted written briefs. I have related them as best I can to the particular section of the act.

There are some other sections, though, where people have mentioned things. There is a section at the beginning, if you look at page 1, arabic 1, I have collected the recommendations that speak generally to Bill 143, so you can see those. Throughout the text there are other sections. For example, at the back starting on page 86 you see a number of other concerns under verbal headings that do not relate specifically to Bill 143 or the sections thereof, but deputants have raised those concerns.

In the rest of the summary, in terms of organization, at the beginning you have the list of witnesses and that will be expanded to reflect this week and next. Then you have the various sections of the act, and then you have the summary itself.

Hopefully, this will be of use to you in reviewing the bill. It should give you, if you glance at some of the pages—for example, it seems that section 14, the incineration

debate and shipping and the like, has probably generated most of the response. By looking through those few pages you can get a quick sense of the range of opinions and deputations pro-incineration, pro-shipping or anti. Hopefully, it will be of assistance to all parties in the review of the bill and in the clause-by-clause in a few weeks. If you have any questions, I am certainly willing.

The Chair: Mr McClelland.

Mr McClelland: It is not a question. I just want to say what an outstanding job it is and I hope the Chair would recognize that with an appropriately expensive gift.

The Chair: The Chair will recognize it, but the gift will not be expensive, although it will be appropriate.

Mr Richmond: Thank you.

The Chair: I think everyone is very pleased with the work you have done. It will be very helpful to us during our deliberations and we will look forward to the rest of the summary as the hearings proceed. Are there any questions that anyone has?

Mr Wiseman: Does he have a bigger clip for them as they come along?

The Chair: Now that is a serious question. The time being almost 5:30, the standing committee on social development stands adjourned until 10 o'clock tomorrow morning.

The committee adjourned at 1727.

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